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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा वंत्रालय को छोड़कर) द्वारा जारी किए गए विधिविहित आदेश और अधिसूचनाएँ
Statutory Orders and notifications issued by the Ministries of the Government of India (other than
Ministry of the Defence)

कार्मिक लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 23 अगस्त, 1993.

का०आ० 1881 :—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं० 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आन्ध्र प्रदेश राज्य सरकार की सहमति से, जो गृह (एस०सी०-ए) विभाग के साधारण आदेश सं० आर० टी० 3382 तारीख 20-10-92 द्वारा प्रदान की गई थी, दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार आयात और निर्यात अधिनियम, 1947 की सुसंगत धारा और भारतीय दंड संहिता, 1860 की धारा 420 के अधीन दंडनीय अपराधों के अन्वेषण के लिए, जो निम्नलिखित प्राइवेट व्यक्तियों द्वारा मामला सं० आर०सी० 18(एस)/90--हैदराबाद द्वारा किए गए हैं, संपूर्ण आन्ध्र प्रदेश राज्य पर करती है।

1. मैसर्स वालाजी इंडस्ट्रीज,
1-5-66, पदमशाली स्ट्रीट,
करीम नगर, आन्ध्र प्रदेश।
2. श्री ई० वेंकटेशम इन्फलापल्ली वेंकटेशम,
1-5-225, पदमशाली स्ट्रीट,
करीम नगर, आन्ध्र प्रदेश।
3. श्री बी० मल्लेशम वोड्डुला मल्लेशम,
3-1-78/2, किश्चियन कालोनी,
करीम नगर, आन्ध्र प्रदेश।

[संख्या 228/43/93-ए०वी०डी०-II]

आर०एस० विष्ट, अवसर सचिव

MINISTRY OF PERSONNEL
PUBLIC GRIEVANCES AND PENSIONS
(Department of Personnel and Training)

ORDER

New Delhi, the 23rd August, 1993

S.O. 1881.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government, with the consent of the State Govern-

ment of Andhra Pradesh accorded vide Home (SC-A) Department No. GORT 3382 dated 20-10-1992, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of the offences punishable under relevant section of Imports and Exports Act, 1947 and under Section 420 Indian Penal Code, 1860 committed by the following private persons in case No. RC. 18(S)/90-Hyderabad.

1. M/s. Balaji Industries
1-5-66, Padmasali Street,
Karimnagar, Andhra Pradesh.
2. Shri E. Venkatesham @ Eppalapalli Venkatesham,
1-5-225, Padmasali Street,
Karimnagar, Andhra Pradesh.
3. Shri B. Mallesham @ Boddula Mallesham,
3-1-78/2, Christian Colony,
Karimnagar, Andhra Pradesh.

[No. 228/43/93-AVD. II]

R. S. BISHT, Under Secy.

नई दिल्ली, 25 अगस्त, 1993

का.प्रा. 1882:—आंतकवादी एवं विघटनकारी गति-विधियां (निवारक) अधिनियम, 1987 (1987 का 28) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के अंतर्गत श्री आर. जे. त्रिवेदी, बरिष्ठ अधिवक्ता, अहमदाबाद को मामला आरसी 6 (एस) 92/एसआईयू-5/एसआईसी-2/सी. बी.आई./एसपीई/नई दिल्ली और उससे जुड़े अथवा उसके साथ घटित अन्य मामलों को गठित नामित न्यायालय, अहमदाबाद में संचालित करने के लिए विशेष लोक अभियोजक नियुक्त करती है।

भारत के राष्ट्रपति के आदेश द्वारा।

[संख्या 225/2/93-ए.वी.डी. (II)]

वें. लक्ष्मीरतन, संयुक्त सचिव

New Delhi, the 25th August, 1993

S.O. 1882.—In exercise of the powers conferred by the proviso to Sub-section (1) of Section 13 of the Terrorist and Disruptive Activities (Prevention) Act, 1987, (Act No. 28 of 1987) the Central Government hereby appoints Shri R. J. Trivedi, Senior Advocate, Ahmedabad as Special Public Prosecutor for conducting case RC 6(S)/92-SIU.V/SIC.II/CBI/SPE/New Delhi and any other matter connected therewith or incidental thereto, in the Designated Court at Ahmedabad constituted under the provisions of section 9 of Terrorist and Disruptive Activities (Prevention) Act, 1987.

By Order and in the name
of the President of India,

[No. 225/2/93-AVD.II]

V. LAKSHMI RATAN, Jt. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

(आयकर)

नई दिल्ली, 11 जून, 1993

का.प्रा. 1883:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (IV) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "रामकृष्ण मठ, बेलूर, पश्चिम बंगाल" को कर निर्धारण वर्ष 1994-95 से 1996-97 तक के लिए निम्नलिखित शर्तों के अध्वनीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संवयम पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर, आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9305/फा.सं. 197/83/93-आयकर नि-1]

शरत चन्द्र, अवसर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

(INCOME-TAX)

New Delhi, the 11th June, 1993

S.O. 1883.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Ramakrishna Math, Belur, West Bengal" for the purpose of the said sub-clause for the assessment years 1994-95 to 1996-97 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9305/F. No. 197/83/93-ITA-I]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 15 जून, 1993

(आयकर)

का०आ० 1884 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "दि दिल्ली पारसी अंजुमन, नई दिल्ली" को कर-निर्धारण वर्ष 1988-89 से 1990-91 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जैवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव स्वैच्छिक अंशदात से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्राथमिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों

(Department of Revenue)

New Delhi, the 15th June, 1993

(INCOME-TAX)

S.O. 1884.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Delhi Parsi Anjuman, New Delhi" for the purpose of the said sub-clause for the assessment years 1988-89 to 1990-91 subject to the following conditions, namely :—

(i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;

(ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;

(iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9307/F. No. 197/179/85-ITA-I]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 15 जून, 1993

(आयकर)

का०आ० 1885 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (iv) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "अरुलमिगु अरुणाचलेश्वर तिरुकोइल, तिरुवेन्नामलाई तमिलनाडु" को कर-निर्धारण वर्ष 1992-93 से 1994-95 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

(i) कर-निर्धारिती इसकी आय का हस्तेमाल अथवा इसकी आय का हस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जैवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव ने स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

[अधिसूचना सं० 9307/फा० 197/179/85-आयकर-नि-1]

शरत चन्द्र, अवर सचिव

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 9311/फा०सं० 197/3/93-आयकर नि०-I]

शरत चन्द्र, अवर सचिव

New Delhi, the 15th June, 1993

(INCOME-TAX)

S.O. 1885.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Arulmighu Arunachaleswarar Tirukoil, Tiruvannamalai, Tamil Nadu" for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9311/F. No. 197/3/93-ITA-I]
SHARAT CHANDRA, Under Secy.

नई दिल्ली, 23 जून, 1993

(आयकर)

का०आ० 1886:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खण्ड (23-ग) के उपखण्ड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "अरुलमिगु बन्नारि मरियम्मन तिरुक्कोइल तमिलनाडु" को कर निर्धारण वर्ष 1990-91 से 1992-93 तक के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखण्ड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संवयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग

अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जोकि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं० 9317/फा सं 197/25/90-आयकर नि०-I]

शरत चन्द्र, अवर सचिव

New Delhi, the 23rd June, 1993

(INCOME-TAX)

S.O. 1886.—In exercise of the powers conferred by sub-clause (v) of clause (23-C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Arulmigu Bannari Mariamman Thirukkoil, Tamil Nadu" for the purpose of the said sub-clause for the assessment years 1990-91 to 1992-93 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established ;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11 ;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9317/F. No. 197/25/90-ITA-I]
SHARAT CHANDRA, Under Secy.

नई दिल्ली, 6 अगस्त, 1993

का.आ. 1887:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "भारतीय खेलकूद प्राधिकरण, नई दिल्ली" को वर्ष 1990-91 से 1992-93 तक के कर-निर्धारण वर्षों के लिए निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त खंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती उसकी आय का इस्तेमाल अथवा, उसकी आय का इस्तेमाल करने के लिए उसका संवयन इस प्रकार के संवयन हेतु उक्त खंड (23) द्वारा यथा-संशोधित धारा 11 की उप-

धारा (2) तथा (3) के उपबंधों के अनुरूप पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है:

- (ii) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों में संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से उसकी निधि (जेवर-जवाहिरान, फर्नीचर अथवा किसी अन्य वस्तु, जिसे उपर्युक्त खंड (23) के तीसरे परन्तुक के अधीन बॉर्ड द्वारा अधिसूचित किया जाए, के रूप में प्राप्त तथा रख-रखाव में स्वेच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा करवा सकेगा;
- (iii) कर-निर्धारिती अपने सदस्यों को किसी भी तरीके से अपनी आय के किसी भाग का संचितरण अपने से संबद्ध किसी एसोसिएशन अथवा संस्था को अनुदान के अलावा नहीं करेगा; और
- (iv) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ हों जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9345/फा०सं० 196/8/93-आयकर (नि०-1)]

शरत चन्द्र, अवर सचिव

New Delhi, the 6th August, 1993

S.O. 1887.—In exercise of the powers conferred by clause (23) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the "The Sports Authority of India, New Delhi" for the purpose of the said clause for assessment years 1990-91 to 1992-93 subject to the following conditions, namely:—

- (i) the assessee will apply its income, or accumulate it for application, in consonance with the provisions of sub-section (2) and (3) of Section 11 as modified by the said clause (23) for such accumulation wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture or any other article as may be notified by the Board under the third provision to the aforesaid clause (23) for any period during the previous year(s) relevant to the assessment year(s) mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) the assessee will not distribute any part of its income in any manner to its members except as grants to any association or institution affiliated to it; and
- (iv) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9345/F. No. 196/8/93-ITA-1]

SHARAT CHANDRA, Under Secy.

आदेश

नई दिल्ली, 26 अगस्त, 1993

का० प्रा० 1888:—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधिन विशेष रूप से मणकृत किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/163/92 सी०शु०-8 तारीख 23-11-92 यह निदेश देते हुए जारी किया था कि श्री मोहम्मद इकबाल अब्दुल करीम शेखानी, 150, निशानपाड़ा रोड, अब्दुल कादिर विल्डिंग, कमरा नं० 14, दूसरा तल, डोंगरी, बम्बई-400009 को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे ऐसा कार्य करने से रोका जा सके जो विदेशी मुद्रा के संवर्धन के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, बम्बई के समक्ष हाजिर हों।

[फा.सं. 673/163/92-सी०शु०-8]

रूप चन्द्र, अवर सचिव

ORDER

New Delhi, the 26th August, 1993

S.O. 1888.—Whereas the Joint Secretary to the Government of India, special empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/163/92-CUS. VIII dated 23-11-92 under the said sub-section that Shri Mohd. Iqbal Abdul Karim Shekhani, 150, Nishanpada Road, Abdul Kader Bldg., Room No. 14, 2nd Floor, Dongri, Bombay-400009 be detained and kept in custody in the Central Prison Bombay with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/163/92-CUS. VIII]

ROOP CHAND, Under Secy.

आदेश

नई दिल्ली, 26 अगस्त, 1993

का.प्रा. 1889:—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम,

1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश का सं 673/378/91-सी.शु.-8 तारीख 5-9-1991 यह निदेश देते हुए जारी किया था कि श्री पारस रतनलाल जैन उर्फ पुनामिया उर्फ राजेशदास शर्मा उर्फ संजय शर्मा, फ्लैट नं 6, दूसरी मंजिल, अरिहन्त अपार्टमेंट, स्टेशन रोड, भायान्दर (पश्चिम), जिला-थाणे, महाराष्ट्र को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे ऐसा कार्य करने से रोका जा सके जो कि विदेशी मुद्रा के संवर्धन के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस महानिदेशक, बम्बई के समक्ष हाजिर हों।

[फा सं 673/378/91-सी.शु.-8]
रूप चन्द, अवसर सचिव

ORDER

New Delhi, the 26th August, 1993

S.O. 1889.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of Section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/378/91-CUS. VIII dated 5-9-91 under the said sub-section that Shri Paras Ratanlal Jain @ Punamiya, @ Rajeshdas Sharma, @ Sanjay Sharma, Flat No. 6 IInd Floor, Arihant Apartments, Srathan Road, Bhayamder (W), Distt. Thane (Maharashtra) be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed :

3. Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of Section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the Official Gazette.

[F. No. 673/378/91-CUS. VIII]

ROOP CHAND, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली 18 अगस्त, 1993

संख्या 1890--सरकारी स्थान (असाक्षित अधिनियमों का संश्लेषण) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त

शक्तियों का प्रयोग करते हुए और 17 अप्रैल 1976 के भारत के राजपत्र के भाग II--खण्ड 3, उपखण्ड (ii) में प्रकाशित, भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) के दिनांक 30 मार्च 1976 के सं० एस०ओ० 1369 का अधिनियम का अतिक्रमण करने वाले ऐसे अधिक्रमण से पहले किये गये कार्यों और करने के लिए छोड़े गए कार्यों को छोड़कर केन्द्रीय सरकार एतद्वारा निम्नलिखित सार्यों के कालम (1) में उल्लिखित उन अधिकारियों को नियुक्त करता है जो सरकार के राजपत्रित अधिकारियों के स्तर के समकक्ष अधिकारी होंगे और उक्त अधिनियम के प्रयोग के लिए सम्पन्न अधिकारी होंगे। ये अधिकारी उक्त अधिनियम द्वारा प्रवर्त शक्तियों का प्रयोग करेंगे तथा उसके अधीन उक्त सार्यों के कालम (2) में उल्लिखित सरकारी स्थलों के संबंध में सम्पन्न अधिकारियों को सौंपे गए कर्तव्यों को पूरा करेंगे।

सारगो

अधिकारी का पद	सरकारी स्थलों की श्रेणियाँ और अधिकार क्षेत्र की सीमाएँ
1. मुख्य अधिकारी, पी एण्ड ई, बैंक ऑफ बड़ौदा, केन्द्रीय कार्यालय, बेलारें गियर, बम्बई	बैंक ऑफ बड़ौदा की श्रेणियाँ उसके द्वारा श्रेणियाँ उसकी ओर से पट्टे पर लिए गए और बम्बई और नई बम्बई में अवस्थित स्थान।
2. अंचल प्रबंधक, बैंक ऑफ बड़ौदा अंचल कार्यालय, नारबाई भवन तृतीय तल, पुणे बम्बई हाईवे सिवाजीनगर पुणे	बैंक ऑफ बड़ौदा की श्रेणियाँ उसके द्वारा श्रेणियाँ उसकी ओर से पट्टे पर लिये गये और बम्बई और न्यू बम्बई की छोड़कर सम्पूर्ण महाराष्ट्र राज्य में अवस्थित।
3. क्षेत्रीय प्रबंधक, बैंक ऑफ बड़ौदा क्षेत्रीय कार्यालय पगजो, गोवा	बैंक ऑफ बड़ौदा की श्रेणियाँ उसके द्वारा श्रेणियाँ उसकी ओर से पट्टे पर लिए गए और गोवा राज्य में अवस्थित स्थान।
4. मुख्य प्रबंधक, पी एण्ड ई, बैंक ऑफ बड़ौदा प्रधान कार्यालय माण्डवी, बड़ौदा।	बैंक ऑफ बड़ौदा की श्रेणियाँ उसके द्वारा श्रेणियाँ उसकी ओर से पट्टे पर लिये गये और गुजरात और दमन और दीव संघ राज्य में अवस्थित स्थान।
5. अंचल प्रबंधक, बैंक ऑफ बड़ौदा, अंचल कार्यालय, घशोर मार्ग जयपुर, राजस्थान।	बैंक ऑफ बड़ौदा की श्रेणियाँ उसके द्वारा श्रेणियाँ उसकी ओर से पट्टे पर लिए गए और राजस्थान राज्य में अवस्थित स्थान।
6. अंचल प्रबंधक, बैंक ऑफ बड़ौदा, अंचल कार्यालय, 16, ससब मार्ग नई दिल्ली।	बैंक ऑफ बड़ौदा की श्रेणियाँ उसके द्वारा श्रेणियाँ उसकी ओर से पट्टे पर लिये गये और दिल्ली संघ राज्य में अवस्थित स्थान।
7. क्षेत्रीय प्रबंधक, बैंक ऑफ बड़ौदा, क्षेत्रीय कार्यालय, जी.टी.रोड, कर्नाल (हरियाणा)।	बैंक ऑफ बड़ौदा की श्रेणियाँ उसके द्वारा श्रेणियाँ उसकी ओर से पट्टे पर लिए गए हरियाणा, हिमाचल प्रदेश और जम्मू व कश्मीर राज्यों में अवस्थित स्थान।

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 18th August, 1993

S.O. 1890.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Finance, Department of Economic Affairs (Banking Division), No. S.O. 1369, dated the 30th March 1976, published in the Gazette of India, Part II Section 3, Sub-section (ii), dated the 17th April, 1976, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being the officers equivalent to the rank of gazetted officers of the Central Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act, within the local limits of their respective jurisdictions in respect of the public premises specified in the corresponding entries in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
1. The Chief Manager, Premises and Equipments, Bank of Baroda, Central Office, Ballard Pier, Bombay.	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in Bombay and New Bombay.
2. The Zonal Manager, Bank of Baroda, Zonal Office, Nabard Building, 3rd Floor Pune-Bombay High Way Shivajinagar, Pune.	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in whole of Maharashtra except Bombay and New Bombay.
3. The Regional Manager, Bank of Baroda, Regional Office, Panaji, Goa.	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the State of Goa.
4. The Chief Manager, Premises and Equipments, Bank of Baroda, Head Office, Mandavi, Baroda.	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the State of Gujarat and the Union territory of Daman and Diu.
5. The Zonal Manager, Bank of Baroda, Zonal Office, Ashok Marg, Jaipur (Rajasthan)	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the State of Rajasthan.
6. The Zonal Manager, Bank of Baroda, Zonal Office, 16, Sansad Marg, New Delhi.	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the Union territory of Delhi.

- | (1) | (2) |
|---|--|
| 8. क्षेत्रीय प्रबंधक, बैंक आफ बड़ौदा, क्षेत्रीय कार्यालय, 17-बी, चण्डीगढ़। | बैंक आफ बड़ौदा की भयवा उसके द्वारा भयवा उसकी ओर से पट्टे पर लिए गए और पंजाब और संघ राज्य चण्डीगढ़ में अवस्थित स्थान। |
| 9. अंचल प्रबंधक, बैंक आफ बड़ौदा, अंचल कार्यालय, लखनऊ, उत्तर प्रदेश। | बैंक आफ बड़ौदा की भयवा उसके द्वारा भयवा उसकी ओर से पट्टे पर लिए गए और उत्तर प्रदेश में अवस्थित स्थान। |
| 10. अंचल प्रबंधक, बैंक आफ बड़ौदा, अंचल कार्यालय, पटना। | बैंक आफ बड़ौदा की भयवा उसके द्वारा भयवा उसकी ओर से पट्टे पर लिए गए और बिहार राज्य में अवस्थित स्थान। |
| 11. क्षेत्रीय प्रबंधक, बैंक आफ बड़ौदा, क्षेत्रीय कार्यालय भवनेश्वर, (उड़ीसा)। | बैंक आफ बड़ौदा की भयवा उसके द्वारा भयवा उसकी ओर से पट्टे पर लिए गए और उड़ीसा राज्य में अवस्थित स्थान। |
| 12. क्षेत्रीय प्रबंधक, बैंक आफ बड़ौदा, क्षेत्रीय कार्यालय, हैदराबाद, (महाराष्ट्र प्रदेश)। | बैंक आफ बड़ौदा की भयवा उसके द्वारा भयवा उसकी ओर से पट्टे पर लिए गए और महाराष्ट्र प्रदेश राज्य में अवस्थित स्थान। |
| 13. क्षेत्रीय प्रबंधक, बैंक आफ बड़ौदा, क्षेत्रीय कार्यालय बंगलौर। | बैंक आफ बड़ौदा की भयवा उसके द्वारा भयवा उसकी ओर से पट्टे पर लिए गए और कर्नाटक राज्य में अवस्थित स्थान। |
| 14. क्षेत्रीय प्रबंधक, बैंक आफ बड़ौदा, क्षेत्रीय कार्यालय, तिरुनेलवेली। | बैंक आफ बड़ौदा की भयवा उसके द्वारा भयवा उसकी ओर से पट्टे पर लिए गए और केरल राज्य में अवस्थित स्थान। |
| 15. अंचल प्रबंधक, बैंक आफ बड़ौदा, अंचल कार्यालय मद्रास। | बैंक आफ बड़ौदा की भयवा उसके द्वारा भयवा उसकी ओर से पट्टे पर लिए गए तमिलनाडु राज्य और संघ शासित क्षेत्र पाण्डिचेरी में अवस्थित स्थान। |
| 16. क्षेत्रीय प्रबंधक, बैंक आफ बड़ौदा, क्षेत्रीय कार्यालय, गुवाहाटी, असम। | बैंक आफ बड़ौदा की भयवा उसके द्वारा भयवा उसकी ओर से पट्टे पर लिए गए और असम, मणिपुर, मेघालय, मिजोरम, त्रिपुरा राज्यों में अवस्थित स्थान। |
| 17. अंचल प्रबंधक, बैंक आफ बड़ौदा, अंचल कार्यालय, कलकत्ता। | बैंक आफ बड़ौदा की भयवा उसके द्वारा भयवा उसकी ओर से पट्टे पर लिए गए पश्चिम बंगाल और सिक्किम राज्यों में अवस्थित स्थान। |

[एड० सं० 13/2/90-बी०ओ० III]

के०के० मंगल, मंत्र सचिव

1	2
7. Regional Manager, Bank of Baroda, Regional Office, G.T. Road, Karnal (Haryana)	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in States of Haryana, Himachal Pradesh and Jammu and Kashmir.
8. The Regional Manager, Bank of Baroda, Regional Office, 17-B, Chandigarh.	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the State of Punjab and the Union Territory of Chandigarh.
9. The Zonal Manager, Bank of Baroda, Zonal Office, Lucknow, (Uttar Pradesh).	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the State of Uttar Pradesh.
10. The Zonal Manager, Bank of Baroda, Zonal Office, Patna.	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the State of Bihar.
11. The Regional Manager, Bank of Baroda, Regional Office, Bhubaneswar (Orissa).	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the State of Orissa.
12. The Regional Manager, Bank of Baroda, Regional Office, Hyderabad (Andhra Pradesh)	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the State of Andhra Pradesh.
13. Regional Manager, Bank of Baroda, Regional Office, Bangalore	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the State of Karnataka.
14. The Regional Manager, Bank of Baroda, Regional Office, Trivandrum.	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the State of Kerala.
15. The Zonal Manager, Bank of Baroda, Zonal Office, Madras.	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the State of Tamilnadu and the Union territory of Pondicherry.
16. The Regional Manager, Bank of Baroda, Regional Office, Gauhati (Assam).	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the States of Assam, Arunachal Pradesh, Mizoram, Meghalaya, Manipur, Nagaland and Tripura.
17. The Zonal Manager, Bank of Baroda, Zonal Office, Calcutta.	Premises belonging to, or taken on lease by, or on behalf of Bank of Baroda and situated in the States of West Bengal and Sikkim.

[F. No. 13/2/90-B.O. III]
(K.K. MANGAL, Under Secy.)

नई दिल्ली, 19 अगस्त, 1993

का. आ. 1891 :—भारतीय निर्यात-आयात बैंक अधिनियम, 1981 (1981 की 28) की धारा 6 की उपधारा (1) के खण्ड (क) और उपधारा (2) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा, वर्तमान में भारतीय निर्यात-आयात बैंक की कार्यपालक निदेशक सूश्री टी. एम. वकील को उनके कार्यभार सम्भालने की तरीख से 31 अक्तूबर, 1996 तक की अवधि के लिए भारतीय निर्यात-आयात बैंक का अध्यक्ष एवं प्रबंधक निदेशक नियुक्त करती है।

[संख्या एक 7/9/93-बी.ओ. I]

एम. एस. सीतारामन, अवर सचिव

New Delhi, the 19th August, 1993

S.O. 1891.—In pursuance of clause (a) of sub-section (1) and of sub-section (2) of section 6 of the Export-Import Bank of India Act, 1981 (28 of 1981), the Central Government hereby appoints Ms. T. M. Vakil, presently Executive Director in the Export-Import Bank of India, as the Chairman and Managing Director of the Export-Import Bank of India, for the period from the date of her taking charge and upto 31st October, 1996.

[F. No. 7/9/93-B.O. I]

M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 23 अगस्त, 1993

का. आ. 1892 :—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 9 के साथ पठित खंड 3 के उपखंड (ख) (1) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा श्री केवल राम नागपाल विशेष सहायक, पंजाब नेशनल बैंक भीकाजी कामा प्लेस, नई दिल्ली को पंजाब नेशनल बैंक के निदेशक बोर्ड में, बैंक के कर्मकार कर्मचारियों के प्रतिनिधि के रूप में दिनांक 23 अगस्त, 1993 से शुरू होने वाली और 22 अगस्त, 1996 को समाप्त होने वाली तीन वर्षों की अवधि के लिए निदेशक नियुक्त करती है।

[सं. एफ. 15/8/89-आई. आर.]

एस. के. बत्रा, अवर सचिव

New Delhi, the 23rd August, 1993

S.O. 1892.—In pursuance of sub-clause (b)(i) of clause 3 read with clause 9 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints Shri K. R. Nagpal, Special Assistant, Punjab National Bank, H.O., Bhikhaiji Cama Place, New Delhi as a Director on the Board of Directors of Punjab National Bank for a period of three years commencing on the 23rd day of August, 1993 and ending with 22nd day of August, 1996 to represent employees of the said Bank who are workmen.

[No. F. 15/8/89-IR]

S. K. BATRA, Under Secy.

नई दिल्ली, 24 अगस्त, 1993

का. आ. 1893 :—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के खंड 5 के उपखंड (1), खण्ड

7 और खण्ड 8 के उपखण्ड (1) के साथ पठित खण्ड 3 के उपखण्ड (क) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के साथ परामर्श करने के पश्चात् एतद्वारा भारतीय रिजर्व बैंक, बम्बई के कार्यपालक निदेशक श्री पी. बी. कुलकर्णी को उनके द्वारा कार्य-भार ग्रहण करने की तारीख से 30 जून, 1995 तक की अवधि के लिये बैंक आफ महाराष्ट्र, पुणे के अध्यक्ष एवं प्रबंध निदेशक के रूप में नियुक्त करती है।

[सं. एफ. 9/19/93-बी.ओ.-1]

एम.एस. सीतारामन, अवर सचिव

New Delhi, the 24th August, 1993

S.O. 1893.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 5, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970 the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri P. B. Kulkarni, presently Executive Director, Reserve Bank of India, Bombay as the Chairman and Managing Director of the Bank of Maharashtra, Pune for the period from the date of his taking charge and upto 30th June, 1995.

[F. No. 9/19/93-BO. I]

M. S. SEETHARAMAN, Under Secy.

(अध्यय विभाग)

नई दिल्ली, 9 अगस्त, 1993

का.आ. 1894:—भविष्य निधि अधिनियम, 1926 (1925 का 19) की धारा 8 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा उक्त अधिनियम की अनुसूची में निम्नलिखित लोक-संस्थान का नाम शामिल करती है:—

“प्रौद्योगिकी सूचना पूर्वानुमान तथा मूल्यांकन परिषद्”।

[संख्या 4 (1)—संस्था-5/92 (II)]

जी. जोसेफ, निदेशक

(Department of Expenditure)

New Delhi, the 9th August, 1993

S.O. 1894.—In exercise of the powers conferred by sub-section (3) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby adds to the Schedule to the said Act the name of the following public institution, namely:—

“TECHNOLOGY INFORMATION FORECASTING AND ASSESSMENT COUNCIL.”

[No. 4(1)-E.V./92(ii)]

G. JOSEPH, Director

नई दिल्ली, 9 अगस्त, 1993

का.आ. 1895:—भविष्य निधि अधिनियम, 1925 (1925 का 19) की धारा 8 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निदेश देती है कि उक्त अधिनियम की अनुसूची में विनि-
1926 GI/93-2

विष्ट उपबंध (धारा 6-क को छोड़कर) उक्त अधिनियम “प्रौद्योगिकी सूचना पूर्वानुमान एवं मूल्यांकन परिषद् के कमजोरियों के लाभ के लिए संस्थापित भविष्य निधि पर लागू होंगे।

[संख्या 4 (1)—संस्था-5/92 (2)]

जी. जोसेफ, निदेशक

New Delhi, the 9th August, 1993

S.O. 1895.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby directs that the provisions of the said Act (except section 6A) shall apply to the Provident Fund established for the benefit of the employees of the “TECHNOLOGY INFORMATION FORECASTING AND ASSESSMENT COUNCIL”, specified in the schedule of the said Act.

[No. 4(1)-E.V./92(II)]

G. JOSEPH, Director

इस्पात मंत्रालय

नई दिल्ली, 18 अगस्त, 1993

का.आ. 1896:—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 के उपनियम (4) के अनुसरण में फ़ैरी स्क्रैप निगम लि. (भारत सरकार का एक उपक्रम (भिलाई को, जिसके 80% कर्मचारीवृत्त ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. ई-11011(1)/91-हिंदी]

हम कुमार जैन, उप सचिव

MINISTRY OF STEEL

New Delhi, the 18th August, 1993

S.O. 1896.—In pursuance of Sub-rule (4) of rule 10 of the Official Languages (use for official purposes of the Union) Rules, 1976 (as amended 1987) the Central Government hereby notifies Ferro Scrap Nigam Ltd (A Government of India undertaking), Bhilai whereof more than 80 per cent staff have acquired the working knowledge of Hindi.

[No. E-11011(1)/91 Hindi]

H. K. JAIN, Dy. Secy.

मानव संसाधन विकास मंत्रालय

(महिला एवं बाल विकास विभाग)

पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के भागले में राष्ट्रीय बाल कोष, नई दिल्ली के नामले में

नई दिल्ली, 27 अगस्त, 1993

का. आ. 1897 :- राष्ट्रीय बाल कोष, नई दिल्ली के प्रबन्ध बोर्ड द्वारा किए आवेदन पर और उनकी सहमति से पूर्व विन्यास अधिनियम, 1890 (1890 का 6) के खण्ड 10 (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा आदेश देती है कि: नोचि दिए गए व्यौरे के अनुसार रु. 63,09,170 (रु. तिरसठ लाख दो हजार एक सौ सत्तर मात्र) पैसठ सत्तर की छुट कामरा को राशि) यूको बैंक, शाहपुरजट, एशियाइ साम परिसर, नई दिल्ली में 3 महीनों के लिए सटिकेट माफ डिपॉजिट योजना के अंतर्गत 12 प्रतिशत की व्याज दर से 7-8-93 को पुनः निवेश की गई:-

क्रम सं.	राशि	पिछले निवेश भुगतान की तारीख	अभियन्त्रियों की तारीख
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1	2	3	4	5
2. रु. 14,00,000	25-07-98	25-07-93	बकाया राशि राष्ट्रीय बाल कोष के बचत खाते में सिडिकोट बैंक, हाज खास, नई दिल्ली में जमा कराई जायेगी	

2. भारत सरकार के तत्कालीन समाज कल्याण विभाग के दिनांक 2 मार्च, 1979 के समय-समय पर यथा संशोधित सं. आ. 120 (ई) की अधिसूचना के साथ प्रकाशित राष्ट्रीय बाल कोष, नई दिल्ली के मंचालन की योजना के अनुसार प्रयोग किए जाने हेतु उपरोक्त खाता भारतीय पूर्ण विन्यास के खजाने के नाम होगा।

[सं. 13-4/93-ई-आर-II]

सुरजित लाल, अवर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Department of Women & Child Development)

IN THE MATTER OF THE CHARITABLE ENDOWMENTS ACT, 1890

(6 of 1890)

IN THE MATTER OF THE NATIONAL CHILDREN'S FUND, NEW DELHI

New Delhi, the 27th August, 1993

S.O. 1897.—On the application made by and with the concurrence of the Board of Management of the National Children's Fund, New Delhi as in exercise of the powers conferred by Section 10(2) of the Charitable Endowments Act, 1890 (6 of 1890), the Central Government do hereby order that the sum of Rs. 63,09,170/- (Rupees Sixtythree lakh nine thousand one hundred & seventy only) (discounted value of Rs. 65,00,000/-) (Rupees Sixtyfive lakh only) as per particulars given below be re-invested in Certificate of Deposit Scheme for 3 months in UCO Bank, Shabpurjat, Asiad Village Complex, New Delhi at the rate of interest 12 per cent per annum w.e.f. 7-8-93.

Sl. No.	Amount	Date of previous Investment	Date of Maturity	Remarks
1.	Rs. 50,00,000/-	07-05-93	07-08-93	
2.	Rs. 14,00,000/-	25-07-88	25-07-93	Surplus amount will be deposited in saving Bank Account of NCF at Syndicate Bank, Hauz Khas, New Delhi.

2. The above account shall vest in the Treasurer of Charitable Endowments of India to be held by him for being applied in accordance with the scheme for the administration of the National Children's Fund, New Delhi published with the Notification of the Government of India in the then Department of Social Welfare No. S.O. 120(E) dated the 2nd March, 1979 as amended from time to time.

[F. No. 13-4/93-TR-II]

SURJIT LAL, Under Secy.

कृषि मंत्रालय

(पशुपालन और डेरी विभाग)

नई दिल्ली, 19 अगस्त, 1993

का.आ. 1898:—राष्ट्रपति, केन्द्रीय सिविल सेवा (वर्गीकरण, नियंत्रण और अपील) नियम, 1965 के नियम 24 के उप नियम (1) द्वारा प्रदत्त शक्तियों का प्रयोग

करते हुए और भारत सरकार, कृषि मंत्रालय (कृषि और सहकारिता विभाग) की दिनांक 4 अगस्त, 1984 की अधिसूचना सं. का.आ. 2539 का अधिक्रमण करते हुए, इस प्रकार के अधिक्रमण से पहले की गई या हटाई गई कार्रवाई को छोड़कर, एतद्वारा निर्देश देते हैं कि इस अधिसूचना से संलग्न अनुसूची के कालम (1) में यथाविनिर्दिष्ट दिल्ली दुग्ध योजना में सामान्य केन्द्रीय सेवाएं वर्ग "ग" और "ब" के लिए अनुसूची के कालम (2) में विनिर्दिष्ट प्राधिकारी उसके कालम (3) में उल्लिखित शास्तियों के लिए अपील प्राधिकारी होंगे।

अनुसूची

पदों का विवरण	अपील प्राधिकारी	शास्तियां
वर्ग "ग" और "ब"	पशुपालन और डेरी विभाग के संयुक्त सचिव (डेरी विकास)	सभी

[सं 3-5/93-एल.डी.-1]

एच.के. जगोटा, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Animal Husbandry and Dairying)

New Delhi, the 19th August, 1993

S.O. 1898. In exercise of the powers conferred by sub-rule (1) of rule 24 of the Central Civil Services (Classification, Controls and Appeal) Rules, 1965 and in suppression of the Notification of Government of India in the Ministry of Agriculture (Department of Agriculture and Cooperation) No. S.O. 2539, dated the 4th August, 1984, except as respects things done or omitted to be done before such supersession, the President hereby directs that in respect of the General Central Services Group 'C' and 'D' posts in Delhi Milk Scheme as specified in column (1) of the Schedule annexed to this notification, the authority specified in column (2) shall be the appellate authority in regard to the penalties specified in column (3) thereof.

SCHEDULE

Description of posts	Appellate authority	Penalties
(1)	(2)	(3)
All Group 'C' and 'D' posts.	Joint Secretary (Dairy Development) in the Department of Animal Husbandry and Dairying	All

[No. 3-5/93-LD.I]

H.K. JAGOTA, Under Secy.

पर्यावरण और वन मंत्रालय

(पशु कल्याण, प्रभाग)

नई दिल्ली, 24 अगस्त, 1993

का. मा. 1899.— जीव जंतु क्रूरता निवारण अधिनियम, 1960 (1960 का 59) को धारा 5 के द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार पर्यावरण और वन मंत्रालय को दिनांक 11 मार्च, 1992 को सरकारी अधिसूचना संख्या का. मा. 222 (ग) में निम्नलिखित संशोधन करती है :—

उक्त अधिसूचना में —

(1) क्रम संख्या 15 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टि प्रतिस्थापित की जाएगी अर्थात् —

“15 श्री आर. एन. मीणा, प्रशासन, द्वारा 5 (1) “छ के तहत चयनित सदस्य
दिल्ली जीव जंतु क्रूरता निवारण सोसायटी, बूनाबड, रोड, दिल्ली-110054

(2) क्रम संख्या 25 और उससे संबंधित प्रविष्टियों के बाद निम्नलिखित क्रम संख्या और प्रविष्टि शामिल की जाएगी अर्थात् :—

“26. डा. ई. के. भरुचा, अध्यक्ष, शल्यचिकित्सा विभाग, भारतीय विद्या पीठ, वैदिक कलेज, पुणे (महाराष्ट्र) दिनांक 3-6-1993 से धारा 5 (1) (ग) के तहत नामित सदस्य

27. श्री सत्य प्रकाश ठाकुर, 6, दि माल रोड, शिमला, हिमाचल प्रदेश दिनांक 3-6-1993 से धारा 5 (1) (अ) के तहत नामित सदस्य”

[का. सं. 1-9/91—पशु कल्याण प्रभाग सर्वेक्षक शा. संयुक्त सचिव

पाद टिप्पणी : मूल अधिसूचना दिनांक 11 मार्च, 1992 के का. मा. सं. 222(ग) के तहत प्रकाशित की गई थी और तदुपरांत इसमें दिनांक 25 जुलाई, 1992 के सं. का. मा. 1967, दिनांक 7 नवंबर, 1992 के सं. का. मा. 2795 और दिनांक 6-2-1993 के सं. का. मा. 813 के द्वारा संशोधन किया गया था।

MINISTRY OF ENVIRONMENT AND FORESTS

(Animal Welfare Division)

New Delhi, the 24th August, 1993

S.O. 1899.—In exercise of the powers conferred by section 5A of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following amendments to the notification of Government of India in the Ministry of Environment and Forests, No. S.O. 222(E), dated the 11th March, 1992.

In the said notification,—

(1) for serial number 15 and the entries relating thereto, the following serial number and the entry shall be substituted, namely :—

“15. Shri R.L. Meena,
Administrator,
Delhi Society for Prevention of Cruelty to Animals,
Boulevard Road,
Delhi-110054.

Member chosen under Section 5(1)(g)”

(2) after serial number 25 and the entries relating thereto, the following serial number and the entries shall be added, namely :—

“26. Dr. E.K. Bharucha,
Head, Department of Surgery,
Bhartee Vidya Peeth,
Medical College, Pune
(Maharashtra).

Member nominated under section 5(1)(d)”
with effect from 3-6-1993.

27. Shri Satya Parkash Thakur,
6, DE MALL Road, Shimla,
Himachal Pradesh.

Member nominated under section 5(1)(h)
with effect from 3-6-1993.”

[F.No. 1-9/91-AW]

SARWESHWAR JHA, Jt. Secy.

Foot Note : The Principal notification was published vide S.O. No. 222(E) dated 11th March, 1992 and subsequently amended vide No. S.O. 1967 dated 25th July, 1992, No. S.O. 2795 dated 7th November, 1992 and No. S.O. 813 dated 6-2-1993.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

शुद्धिपत्र

नई दिल्ली, 24 अगस्त, 1993

का. आ. 1900 :—केन्द्र सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप धारा (1) के अधीन जारी और भारत के राजपत्र भाग-2 खण्ड-3 उपखंड (ii) पृष्ठ संख्या 318 से 320 में प्रकाशित भारत सरकार, पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. 219 से 223 दिनांक 6 फरवरी 1993 द्वारा इस अधिसूचना से संलग्न अनुसूची में वर्णित भूमि का अधिग्रहण करने के अपने आशय की सूचना दी थी। और केन्द्र सरकार की जानकारी में यह बात लायी गई कि राजपत्र में प्रकाशित उपरोक्त अधिसूचना में मुद्रण की कुछ गलतियाँ हैं।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना से संलग्न अनुसूची में निम्नलिखित संशोधन करती है :—

का. आ. 219, पृष्ठ संख्या 318 : अधिसूचना में पंक्ति 10 पर “1962 का (50 1962)” के स्थान पर “1962 (1962 का 50)” व पंक्ति 11 पर “3 की 3 धारा” के स्थान पर “3 की उपधारा”, तथा पंक्ति 21 पर जयपुर “342001” के स्थान पर “302001” पढ़ें।

का. आ. 220, पृष्ठ संख्या 318 : अधिसूचना में पंक्ति 6 पर वर्णित भूमि के स्थान पर “वर्णित भूमि” व पंक्ति 14 पर “जदता” के स्थान पर “जनता” तथा पंक्ति 17 पर “बागड़ा अधिकारी” के स्थान पर “बागड़ा संपर्क अधिकारी” पढ़ें।

का. आ. 221, पृष्ठ संख्या 319 :—अधिसूचना में पंक्ति 14 पर “कनता” के स्थान पर “जनता” पढ़ें।

का. आ. 222, पृष्ठ संख्या 320 : अधिसूचना में अनुसूची के नीचे की पंक्ति में तहसील “बेसुरी” के स्थान पर “बेसुरी” पढ़ें।

का. आ. 223, पृष्ठ संख्या 320 : अधिसूचना में पंक्ति 4 पर “कार्पोरेशन द्वारा” के स्थान पर “कार्पोरेशन लिमिटेड द्वारा” व पंक्ति 14 पर “अभियनचना” के स्थान पर “अधिसूचना” पढ़ें।

ऐसी भूमि में जिसकी बाबत उपरोक्त संशोधन जारी किया गया है, हितबद्ध कोई व्यक्ति इस अधिसूचना के जारी किये जाने के 21 दिन के भीतर उक्त भूमि के सम्पूर्ण या किसी भाग के या उक्त ऐसी भूमि में या इस पर किसी अधिकार के अर्जित किये जाने के विरुद्ध उक्त अधिनियम की धारा 5 की उपधारा (1) के निबन्धनों के अनुसार आपेक्ष कर सकेगा।

[संख्या : आर-31015/16/93-ओ. आर.-I]

कुलवीप सिंह, अव्वर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS
CORRIGENDUM

New Delhi, the 24th August, 1993

S.O. 1900.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 219, dated the 6th February, 1993 published in the Gazette of India, Part II, Section 3, Sub-section (ii), at page 318, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government gave notice of its intention to acquire the lands specified in the Schedule appended to that notification ;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby amends the Schedule appended to the said notification as follows :

at page 318, in the Schedule for the word “Amre” read “Ajmer” and for “Bghusuri” read “Baghsuri”.

Any person interested in any land in respect of which the above amendment has been issued, may within twenty one days on the issue of this notification, object to the acquisition of the whole or any part of the said land or any right in or over such land in terms of sub-section (1) of section 5 of the said Act.

Explanation.—In respect of the lands, and area amended through this notification only, the said period of twenty one days in terms of section 5, sub-section (1) of the said Act starts running from the date of issue of this notification.

[No. R-31015/16/93-O.R. I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 24 अगस्त, 1993

का. आ. 1901 :—केन्द्रीय सरकार का यह प्रतीत होता है कि लोकहित में ऐसा आवश्यक है कि गुजरात राज्य में कांडला से पंजाब राज्य में भटिंडा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कारपोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए।

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि के नीचे पाइपलाइन बिछाने के संबंध में आपत्ति लिखित रूप में श्री किर्पाल सिंह, भूमि अधिग्रहण अधिकारी और सभ्य अधिकारी, इंडियन ऑयल कारपोरेशन लिमिटेड, कांडला-भटिंडा पाइपलाइन परियोजना, 1010, सेक्टर 42-बी, चण्डीगढ़ को कर सकेगा।

ग्रन्थसूची						1	2	3	4	5	6
तहसील : समाना			जिला : पटियाला			राज्य : पंजाब			गुजरा		
गाँव का नाम	हदबस्त नं०	मुस्ततील नं०/किला नं०/	क्षेत्रफल हेक्टर	आर	वर्ग-मीटर						
1	2	3	4	5	6						
सिजीना	187	12						5/1	0	01	01
		10	0	12	39			5/2	0	03	29
		14	0	01	01			41			
		53						8/1/1	0	03	04
		12/1/1	0	03	04			9/1/2	0	10	88
								65			
								8/1	0	00	51
						गोबिन्दपुर तगरा	57	63			
								4/2/1	0	00	23
तहसील : संगरूर						जिला : संगरूर					
राज्य : पंजाब						1	2	3	4	5	6
1	2	3	4	5	6						
बादशाहपुर	186	76				बाधरपुर	55	338	0	05	06
		5	0	03	04	उपली	7	1497	0	13	40
अगोके	186	44						1498/2	0	04	30
		16	0	03	79			1499/2	0	03	04
कुलबाध	185	14						1500	0	00	51
		17/1	0	00	51			2085	0	13	91
								2086	0	00	51
ब्रह्मन साधरा	129	14						2087	0	00	76
		23/1/1	0	06	83			2088	0	12	65
		23/2/1	0	06	83			2095/1	0	01	26
								2095/2	0	12	65
								2097	0	13	91
								2099/1	0	10	88
								2100	0	07	59
								2101	0	06	32
								2102	0	02	02
सेहल	131	23				उज्जवाल	6	100			
		23/1	0	04	30			21/2	0	12	39
		37						129			
		11/2/1	0	00	51			5	0	12	40
		13/1/1/1	0	01	77						
		18	0	14	92	लोमोवाल	4	249			
		48						16	0	00	25
		23/2	0	03	29			257			
								11	0	02	78
मुंशीवाला	135	10						265			
		19	0	12	39			18	0	06	83
खानाबकला	122	83						267			
		9	0	12	65			13	0	07	84
		130						17/2/1	0	06	07
		9	0	11	89	साहोके	82	10			
								19/2	0	07	59

तहसील : बरनाला	जिला : संगरूर	राज्य : पंजाब	1	2	3	4	5	6
घसपाल कलां	79	124			199			
					21/2/1	0	12	39
	6	0	10	12	22	0	12	39
	7	0	11	89	23	0	12	39
	8/1	0	03	29	24	0	12	39
	8/2	0	03	53	25	0	11	64
	9	0	00	51	196			
	11	0	12	39				
	12/1	0	01	26	25	0	00	51
	12/2	0	10	63	197			
	13/2	0	05	57				
	925	0	00	25	19/1	0	06	81
कोटबूना	80	57			19/2	0	01	01
					20/1	0	00	51
	21	0	12	39	20/2	0	06	58
	22	0	12	40	20/3	0	03	79
	23	9	12	39	22/1	0	02	28
	24	9	12	39	426	0	01	52
	33/2	0	12	39	486	0	01	26

[संख्या : पार-31015/13/93-ओम्भार-1]

कुलदीप सिंह, अव्वर सचिव

New Delhi, the 24th August, 1993

S.O. 1901.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab, via Rajasthan and Haryana, pipeline should be laid by Indian Oil Corporation Limited ;

And, whereas, it appears that for the purpose of laying such pipeline it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein ;

Any person interested in the land described in the said Schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein of laying of the pipeline under the land to Shri Kirpal Singh, Land Acquisition Officer and Competent Authority, Kandla-Bhatinda Pipeline Project, 1010, Sector-42-B, Chandigarh.

SCHEDULE

Tehsil : Samana District : Patiala State : Punjab

Name of Village	Hadbast No.	Mustateel/ Killa No.	Area		
			Hec- tare	Acre	Cent- tiare
1	2	3	4	5	6
Seona	187	12			
		10	0	12	39
		14	0	01	01
		53			
		12/1/1	0	03	04

तहसील : मानसा	जिला : मानसा	राज्य : पंजाब
घकलिया	6	69
	25/1	0 08 35
	70	
	22	0 10 88
	72	
	10	0 11 63
	1459	0 01 01

तहसील : फुल	जिला : भटिंडा	राज्य : पंजाब
भाऊके	450	231
	1	0 10 62
	232	
	2	0 12 40

तहसील : भटिंडा	जिला : भटिंडा		राज्य : पंजाब		
1	2	3	4	5	6
गुलाबगढ़	58	19			
उर्फ नाईबाला	—	21/1 37	0	09	88
		10	0	12	65
सुगधादी	208	177			
		13	0	11	13

1	2	3	4	5	6	1	2	3	4	5	9
Badshahpur	188	76				Ubewal	6	100			
		5	0	03	04			21/2	0	12	39
Ugoke	186	44						129			
		16	0	03	79			5	0	12	40
Kulbanu	185	14				Longowal	4	249			
		17/1	0	00	51			16	0	00	25
Brahman Majra	129	14						257			
		23/1/1	0	06	83			11	0	02	78
		23/2/1	0	06	83			265			
Tehsil: Sunam District: Sangrur State: Punjab											
Schal	131	23						18	0	06	83
		23/1	0	04	30			267			
		37						13	0	07	84
		11/2/1	0	00	51			17/2/1	0	06	07
		13/1/1/1	0	01	77	Sahoke	82	10			
		18	0	14	92			19/2	0	07	59
		48									
		23/2	0	03	29	Tehsil: Barnala District: Sangrur-- State: Punjab					
Munshiwal	135	10				Aspal Kalan	79	124			
		19	0	12	39			6	0	10	12
Khanal Kalan	122	83						7	0	11	89
		9	0	12	65			8/1	0	03	29
		130						8/2	0	03	53
		9	0	11	89			9	0	00	51
Bujjran	110	18						11	0	12	39
		5/1	0	01	01			12/1	0	01	26
		5/2	0	03	29			12/2	0	10	63
		41						13/2	0	05	57
		8/1/1	0	03	04	Kot Duna	80	925	0	00	25
		9/1/2	0	10	88			57			
		65						21	0	12	39
		8/1	0	00	51			22	0	12	40
Gobindpur Nagri	57	63						23	0	12	39
		4/2/1	0	00	25			24	0	12	39
Tehsil: Sangrur District: Sangrur State: Punjab											
Gaggarpur	55	338	0	05	06			25/2	0	12	39
Upli	7	1497	0	13	40			70			
		1498/2	0	04	30			22	0	10	88
		1499/2	0	03	04			72			
		1500	0	00	51			10	0	11	63
		2085	0	13	91			1459	0	01	01
		2086	0	00	51	Tehsil: Phul District: Bhatinda State: Punjab					
		2087	0	00	76	Chauke	450	231			
		2088	0	12	65			1	0	10	62
		2095/1	0	01	26			232			
		2095/2	0	12	65			2	0	12	40
		2097	0	13	91						
		2099/1	0	10	88						
		2100	0	07	59						
		2101	0	05	32						
		2102	0	02	02						

Tehsil : Bhatinda District : Bhatinda State : Punjab					
1	2	3	4	5	6
Gulabgarh alias Naiwala	58	19			
		21/1	0	09	86
		37			
		10	0	12	65
Tungwali	208	177			
		13	0	11	13
		199			
		21/2/1	0	12	39
		22	0	12	39
		23	0	12	39
		24	0	12	39
		25	0	11	64
		196			
		25	0	00	51
		197			
		19/1	0	06	81
		19/2	0	01	01
		20/1	0	00	51
		20/2	0	06	58
		20/3	0	03	79
		22/1	0	02	28
		426	0	01	52
		486	0	01	26

[No. R-31015/13/93-O.R.I.]
KULDIP SINGH, Under Secy.

नई दिल्ली, 25 अगस्त, 1993

का.आ. 1902 :—अतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कलोल जीजीएस-9 से कलोल जीजीएस-4 तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्पाषण्ड अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आणख्य एतद्द्वारा घोषित किया है।

वर्णित कि उक्त भूमि में हितबद्ध कोई व्यक्ति; उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समझ

प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ौदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिर्दिष्ट: यह भी कथन करेगा कि क्या यह वह जाता है कि उसकी मुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

अनुसूची

कलोल जीजीएस-9 से कलोल जीजीएस-4 तक पाइप लाइन बिछाने के लिए।

राज्य :—गुजरात जिला :—महसाणा तालुका :कलोल

गांव	ब्लाक नं.	हेक्टर	ग्राम	सेंटीयर
1	2	3	4	5
पानसर	67	0	15	15
	71	0	05	40
	70	0	09	00
कार्ट ट्रेक		0	03	60
	79	0	16	75
कार्ट ट्रेक		0	03	20
	32	0	02	25
	81	0	03	60
	31	0	00	09
	30	0	05	80
	29	0	07	58
कार्ट ट्रेक		0	03	00
	28	0	33	60
	25	0	20	44
	23	0	17	40
कार्ट ट्रेक		0	06	00
	20	0	06	10
	19	0	00	09
	18	0	07	94
	17	0	10	88
कार्ट ट्रेक		0	01	95
	1637	0	01	52
	1636	0	16	88
	1635	0	02	00
	1633	0	12	05
	1633-ए	0	10	40
	1640	0	07	20
	1610	0	18	60
	1611	0	11	45

1	2	3	4	5
पानसर-जारी	1612	0	02	80
	1601	0	12	87
	1602	0	00	33
	1600	0	20	05
	1604	0	00	99
	1313	0	12	10
	1312	0	11	00
	1309	0	17	65
	1310	0	00	10
	1308	0	05	25
	1307	0	03	55
	1306	0	09	60
कार्ट ट्रैक	0	02	80	
	1271	0	00	85
	1270	0	14	55
	1273	0	13	20
	1263	0	30	60
	1261	0	00	20
	1086	0	13	40
	1087	0	27	35
	1079	0	01	14
	1088	0	17	66
	1078	0	45	00
	949	0	11	00
	939	0	08	60
	935	0	15	65
	934	0	08	90
	933	0	04	59
	932	0	25	80
	925	0	18	60
	924	0	17	10
	922	0	30	80
	913	0	20	20

[सं. ओ. 12016/82/93/ओ.एन.जी.डी.-IV]

एम. मार्टिन, ईस्क अधिकारी

New Delhi, the 25th August, 1993

S.O. 1902.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GGS III to GGS IX in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And, whereas, it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein:

1926 GI/93—3

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390009.

And every person making such an objections shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM GGS III (CWIP) TO GGS IX

State : Gujarat District : Mehsana Taluka : Kalol

Village	Block No.	Hectare	Acre	Centiare
1	2	3	4	5
Pansar	67	0	15	15
	71	0	05	40
	70	0	09	00
	Cart track	0	03	60
	79	0	16	75
	Cart track	0	03	20
	32	0	02	25
	81	0	03	60
	31	0	00	09
	30	05	05	80
	29	0	07	58
	Cart track	0	03	00
	28	0	33	60
	25	0	20	44
	23	0	17	40
	Cart track	0	06	00
	20	0	06	10
	19	0	00	09
	18	0	07	94
	17	0	10	98
	Cart track	0	01	95
	1637	0	01	52
	1636	0	16	88
	1635	0	02	00
	1633	0	12	05
	1633/A	0	10	40
	1640	0	07	20
	1610	0	18	60
	1611	0	11	45
	1612	0	02	80
	1601	0	12	87
	1602	0	00	33
	1600	0	20	05
	1604	0	00	99
	1313	0	12	10
	1312	0	11	00
	1309	0	17	65
	1310	0	00	10
	1308	0	05	25
	1307	0	03	55
	1306	0	09	60
	Cart track	0	02	80
	1271	0	00	85
	1270	0	14	55
	1273	0	13	20
	1263	0	30	60
	1261	0	00	20
	1086	0	13	40
	1087	0	27	35
	1079	0	01	14
	1088	0	17	66

1	2	3	4	5
	1078	0	45	00
	949	0	11	00
	939	0	03	60
	935	0	15	65
	934	0	08	90
	933	0	04	59
	932	0	25	80
	925	0	18	60
	924	0	17	10
	922	0	30	80
	913	0	20	20

[No. O-12016/82/93-ONG.D.IV]

M. MARTIN, Desk Officer

नई दिल्ली, 25 अगस्त, 1993

क्र. 1903:—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कलोल जीजीएस-9 से कलोल जीजीएस-4 तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतदुबद्ध अनुसूची में वर्णित भूमि के उपयोग का अधिकार अजित करना आवश्यक है।

अतः अब पेट्रोलियम और अजित पाइपलाइन (भूमि में उपयोग के अधिकार का अजित) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अजित करने का अपना आशय एतद्द्वारा घोषित किया है।

यतः कि उक्त भूमि में हितबद्ध कोई व्यक्ति; उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समक्ष प्राधिकारी तेल तथा प्राकृतिक गैस आयोग, निर्माण और रखरखाव प्रभाग, मकरपुरा रोड, बड़ोद-9 को इस अति सूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह कह करेगा कि क्या वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी को माफ़त।

अनुसूची

कलोल जीजीएस-9 से कलोल जीजीएस-4 तक पाइप लाइन बिछाने के लिए

राज्य	गुजरात जिला :	महसाणा तालुका :	कड़ी		
गांव	ब्लाक नं.	हेक्टर	आर	सेटीयर	
	2	3	4	5	
धमासणा	1143	0	09	61	
	1142	0	00	11	

1	2	3	4	5
धमासणा (जारी)	कार्ट ट्रैक 1136	0	00	75
	1137	0	03	13
	1129	0	14	63
	1128	0	04	20
	1088	0	04	85
	1093	0	03	70
	1094	0	02	63
	1095	0	02	35
	कार्ट ट्रैक	0	00	40
	1051	0	04	65
	1050	0	02	00
	1049	0	01	47
	1047	0	04	40
	1267	0	01	65
	1268	0	02	15
	कार्ट ट्रैक	0	00	50
	992	0	01	70
	994	0	01	57
	993	0	04	10
	996	0	01	30
	995	0	06	08
	1000	0	01	87
	1001	0	03	10
	कार्ट ट्रैक	0	01	23
	860	0	00	58
	861	0	03	12
	863	0	01	05
	864	0	02	40
	865	0	04	05
	842	0	02	17
	841	0	02	37
	840	0	03	75
	839	0	00	05
	कार्ट ट्रैक	0	00	50
	875	0	02	50
	876	0	02	10
	कार्ट ट्रैक	0	00	80
	877	0	03	85
	878	0	02	38

[सं. आ-12016/83/93-जी.एम.जी.ओ.जी.]

एम. मार्टिन, डेस्क अधिकारी

S.O. 1293. Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum from Kharol, GGS IX to Kharol, GGS IX in the Gujarat State, such as should be laid by the Oil and Natural Gas Commission.

नई दिल्ली, 25 मगस, 1993

का. भा. 1904—यस: केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि पञ्जाब राज्यों के जल संयोजन एम. III से जी. जी. एस IX तक विद्युत् विद्युत के परिवहन के लिए वैद्युत् प्रणाली के तेल तथा प्राकृतिक गैस प्रयोग द्वारा बिछाई जाती चाहिए।

और अतः यह प्रतीत होता है कि जिन देशों में जिन देशों के प्रदूषण के लिए पदार्थों का प्रत्यक्ष उपयोग में लाया गया है, उन देशों का अधिकार अर्जित करना आवश्यक है। 192

अतः अवैधानियम और अतिरिक्त पाठ्यपुस्तक (सूचक में उपयोग) के अधिकार का अर्थात् अवैधानियम, 1962 (1962 का 50) का धारा 3 का उपधारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उनमें उपयोग को अधिकार अर्जित करने का अपना अथवा एतद्वारा पंक्ति किया है।

SCHEDULE

PIPELINE FROM KALOL GGS.Ix TO KALOL GGS. IV

State : Gujarat District : Mehsana Taluka : Kad i

Village	Block No.	Hectare	Acre	Centiare
1	2	3	4	5
Dhamasan	1143	0	09	61
	1142	0	00	11
	Cart track	0	00	75
	1136	0	00	05
	1137	0	03	13
	1129	0	14	63
	1128	0	04	20
	1088	0	04	85
	1093	0	03	70
	1094	0	02	63
	1095	0	02	35
	Cart track	0	00	40
	1051	0	01	65
	1050	0	02	00
	1049	0	01	47
	1017	0	04	40
	1267	0	01	65
	1268	0	02	15
	Cart track	0	00	50
	992	0	01	70
	994	0	01	57
	993	0	04	10
	996	0	01	30
	995	0	06	03
	1000	0	01	87
	1001	0	03	10
	Cart track	0	01	23
	860	0	00	58
	861	0	03	12
	863	0	01	05
	864	0	02	40
	865	0	04	05
	842	0	02	17
	841	0	02	37
	840	0	03	75
	839	0	00	05
	Cart track	0	00	50
	875	0	02	50
	876	0	02	10
	Cart track	0	00	80
877	0	03	85	
881	0	02	38	

बतते कि उक्त भूमि में हितबद्ध कोई व्यक्ति उन भूमि के नये पाइपलाइन बिछाने के लिए, अजोयमजम प्राधिकार लेल तथा प्राकृतिक गैस प्राधान्य विभाग और देशवासियों को नुकसान रोड, बस, या-9 इस अधिसूचना की तारख से 21 दिनों के भीतर कर सकेगा।

और ऐसा प्रयोग करने वाला है कि वह विचारित है यह भा
कथन करता को वह यह है कि वह विचारित है यह भा
प्रकृतिकत रूप से हो या किसी विचार के द्वारा को नहीं

कलोल जो जी एन III से जो जी एन IX तक पढ़ा जाइन विद्यार्थी के लिए ।

राज्य : गुजरात शिक्षा : माध्यमिक शिक्षा विषय : अंग्रेजी

वर्ष : २०२३ परीक्षा : मई/जून २०२३

बहावस्थानी

[सि. अ-१२०४८/८३/९३ अधिनियम प्रो. V]
एन. सि. डि. डी. एच. वि. सी.

New Delhi the 25th August, 1993

S.O. 190:—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Kalyan to BGS in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the Schedule annexed hereto:—

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent

Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

PIPELINE FROM GGS.III (CWIP) TO GGS IX.

State : Gujarat District : Mehsana Taluka : Kalo l

Village	Block No.	Hectare	Acre	Centier
Vadavswami	267	0	04	50
	274	0	11	22
	275	0	00	18

[No. O-12016/84/93-ONG. D. IV]

M. MARTIN, Desk Officer.

नई दिल्ली, 25 अगस्त, 1993

का. मा. 1905.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जीजीएस III से जी जी एस IX तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तैयार तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए।

और अतः यह प्रतीत होता है कि ऐसी साधनों को बिछाने के प्रयोजन के लिए एतदुपाय ग्रन्थसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है।

अतः अब पेट्रोलियम और अग्निज पाइपलाइन (भूमि में उपयोग के अधिकार का प्रवर्धन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा द्वारा प्रवर्तन शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना आशय एतद्वारा घोषित किया है।

बसते कि उक्त भूमि में हितबद्ध कोई व्यक्ति, उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप समझा अधिकार तैयार तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोदा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा।

और ऐसा आक्षेप करने वाला हर व्यक्ति निम्नलिखित: यह भी कथन करेगा कि क्या यह वह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी विधि व्यवसायी की मार्फत।

ग्रन्थसूची

जी जी एस III से बम्बई चार्ज पो से जी जी एस IX तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : मेहसाणा तालुका : कलोल

गांव	ब्लॉक नं.	हेक्टेयर	घ.र.	सेंटीघर
(1)	(2)	(3)	(4)	(5)
पानसर	1533	0	15	30
	1532	0	10	40
	1528	0	02	64

1	2	3	4	5
	1530	0	04	00
	1529	0	12	38
	1527	0	00	29
	1524	0	09	37
	1525	0	06	20
	1538	0	11	70
	1539	0	37	32
	1541	0	27	31
	1517	0	02	02
	1542	0	48	81

[सं. ओ 12016/85/93 ओ एन जी डो-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 25th August, 1993

S.O. 1905.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GGS III to GGS IX in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto :—

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390 009.

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal Practitioner.

SCHEDULE

Pipeline from GGS III (CWIP) to GGS IX

State : Gujarat District : Mehsana Taluka : Kalol

Village	Block No.	Hectare	Acre	Centiare
Pansar	1533	0	15	30
	1532	0	10	40
	1528	0	09	64
	1530	0	04	00
	1529	0	12	38
	1527	0	00	28
	1524	0	09	37
	1525	0	06	20
	1538	0	11	70
	1539	0	37	32
	1541	0	27	31
	1517	0	02	02
	1542	0	48	81

[No. O-12016/85/93-ONG. D. IV]

M. MARTIN, Desk Officer.

नई दिल्ली, 25 अगस्त, 1993

का. भा. 1908.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में जी जी एस III से जी जी एस IX तक पेट्रोलियम के परिवहन के लिये पाइप लाइन तेल तथा प्राकृतिक गैस आयोग, द्वारा बिछाई जानी चाहिए,

और अतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

यतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उसमें उपयोग का अधिकार अर्जित करने का अपना प्राण्य एतद्वारा घोषित किया है;

अतः कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइपलाइन बिछाने के लिए आक्षेप समझ प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोडा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी निविधि व्यवसायी की मार्फत

अनुसूची

जी जी एस III (सी इन्फ्रामाई पी) से जी जी एस IX तक लाइन बिछाने के लिए

राज्य : गुजरात जिला : महसाणा तालुका : कड़ी

गांव	सर्वे नं.	हेक्टेयर	घर	सेन्टीयर
अंबपुरा	124/ पी	0	01	05
	124/पी	0	04	65
	89/2	0	09	50
	89/1	0	13	60
	86/2	0	01	75
	86/1	0	20	00
	85,85/1	0	06	14
	84	0	14	40

[सं. ओ 12016/86/93-ओ एन जी डी-IV]

एम मार्टिन, डेस्क अधिकारी

New Delhi, the 25th August, 1993

S.O. 1906.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from GGS III to GGS IX in Gujarat State pipeline should be laid by the oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexure hereto,

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to

the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390 009;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM GGS III (CWIP) TO GGS IX

State : Gujarat District : Mehsana Taluka : Kadi

Village	Survey No.	Hectare	Are	Centiare
Ambavpura	124/P	0	01	05
	124/P	0	04	65
	89/2	0	09	50
	89/1	0	13	60
	86/2	0	01	75
	86/1	0	20	00
	85,85/1	0	06	14
	84	0	14	40

[No. O-12016/86/93-ONG. D. IV]

M. MARTIN, Desk Officer.

नई दिल्ली, 25 अगस्त, 1993

का. भा. 1907.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में कलोल जी जी एस IX से कलोल जी जी एस IV तक पेट्रोलियम के परिवहन के लिये पाइपलाइन तेल तथा प्राकृतिक गैस आयोग द्वारा बिछाई जानी चाहिए;

और यतः यह प्रतीत होता है कि ऐसी लाइनों को बिछाने के प्रयोजन के लिए एतद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

यतः अब पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार ने उसमें उपयोग का अधिकार अर्जित करने का अपना प्राण्य एतद्वारा घोषित किया है;

अतः कि उक्त भूमि में हितवद्ध कोई व्यक्ति उस भूमि के नीचे पाइप लाइन बिछाने के लिए आक्षेप समझ प्राधिकारी, तेल तथा प्राकृतिक गैस आयोग, निर्माण और देखभाल प्रभाग, मकरपुरा रोड, बड़ोडा-9 को इस अधिसूचना की तारीख से 21 दिनों के भीतर कर सकेगा;

और ऐसा आक्षेप करने वाला हर व्यक्ति विनिश्चितः यह भी कथन करेगा कि क्या वह यह चाहता है कि उसकी सुनवाई व्यक्तिगत रूप से हो या किसी निविधि व्यवसायी की मार्फत।

अनुसूची

कलोल जी जी एस IX से कलोल जी जी एस IV तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : महसाणा तालुका : कलोल

गांव	सर्वे नं०	हेक्टेयर	घर	सेन्टीयर
पानसर	913	0	02	40
	975	0	09	68

1	2	3	4	5	6
पानसर-जारी	986	0	00	50	
	984	0	02	43	
	985	0	04	58	
	998	0	05	33	
	1013	0	03	85	
	1017	0	06	55	
	1018	0	03	93	
	1019	0	05	78	
कार्ट-ट्रैक	0	00	65		
1027	0	05	50		

[स. ओ.-12016/87/93/ओ एन जी डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 25th August, 1993

S.O. 1907.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of the petroleum from Kalol GGS IX to Kalol GGS IV in Gujarat State pipeline should be laid by the Oil and Natural Gas Commission;

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire that right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil and Natural Gas Commission, Construction and Maintenance Division, Makarpura Road, Vadodara-390 009;

And every person making such an objection shall also state specifically whether he wishes to be heard in person or by legal practitioner.

SCHEDULE

PIPELINE FROM KALOL GGS IX TO KALOL GGS IV
State : Gujarat District : Mehsana Taluka : Kalol

Village	Survey No.	Hectare	Are	Centiare
Pansar	913	0	02	40
	975	0	09	68
	986	0	00	50
	984	0	02	43
	985	0	04	58
	998	0	05	33
	1013	0	03	85
	1017	0	06	55
	1018	0	03	93
	1019	0	05	78
Cart track	0	00	65	
1027	0	05	50	

[No. O-12016/87/93-ONG. D. IV]

M. MARTIN, Desk Officer.

नई दिल्ली, 25 अगस्त, 1993

का. भा. 1908.—यत् पेट्रोलियम और खनिज "पाइपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. सं. 1714 तारीख 9-6-1992 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था;

और यत् सभ्य प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और प्राये, यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है;

और प्राये उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्णय देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की भाँति तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में बोधना के प्रकाशन की इन तारीख को निहित होगा।

अनुसूची

जी एन गैस जी से जी एन ए गैस जीओएस तक पाईप लाइन
बिछाने के लिए

राज्य : गुजरात जिला : मेहसाणा तालुका : अंकलर

गांव	ब्लॉक नं.	हे.	आर	से.
मबीयाड	287	0	15	86
	286	0	02	73
	285	0	41	06
	295	0	09	36
	296	0	11	05

[स. ओ.-12016/22/92 ओ एन जी डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 25th August, 1993

S.O. 1908.—Whereas by notification of the Government India in the Ministry of Petroleum and Natural Gas S. O. No. 1714, dated 9-6-1992 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central

Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM GNXX TO GNAQ GGS

State : Gujarat District : Bharuch Taluka : Jambusar

Village	Block No.	Hectare	Acre	Centiare
Nadiyad	287	0	15	86
	286	0	02	73
	285	0	21	06
	295	0	09	36
	296	0	11	05

[No. O-12016/22/92-ONG. D. IV]

M. MARTIN, Desk Officer.

नई दिल्ली 25 अगस्त, 1993

का. भा. 1909.—यतः पेट्रोलियम और खनिज पारिपूर्णाईन भूमि में उपयोग के अधिकार का वर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का भा सं. 1730 तारीख 9-6-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पारिपूर्णाईनों को विद्यमान के लिए अर्जित करने का प्रस्ताव घोषित कर दिया था।

और यतः यथा अधिकांश प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते हुए पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पारिपूर्णाईन विद्यमान के प्रयोजन के लिए अर्जित किया जाता है।

और यतः उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में निम्नलिखित शर्तों के अधीन उपयोग के अधिकार अर्जित करने का अधिकार केन्द्रित होगा—
1. अधिसूचना के अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।
2. अधिसूचना के अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।
3. अधिसूचना के अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।
4. अधिसूचना के अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।
5. अधिसूचना के अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।
6. अधिसूचना के अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।
7. अधिसूचना के अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।
8. अधिसूचना के अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।
9. अधिसूचना के अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।
10. अधिसूचना के अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

साइन बिजने के लिए।

साइन बिजने के लिए।

साइन बिजने के लिए।

साइन बिजने के लिए।

साइन बिजने के लिए।

साइन बिजने के लिए।

New Delhi, the 25th August, 1993

S.O. 1909.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S. O. No. 1730, dated 9-6-1992 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification ;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM GNDS TO W.L.H. NEAR EPS

State : Gujarat District : Bharuch Taluka : Amod

Village	Block No.	Hectare	Acre	Centiare
Denwa	466	0	09	36
	464	0	62	40
	459	0	90	48

[No. O-12016/39/92-ONG. D. IV]

M. MARTIN, Desk Officer.

नई दिल्ली, 25 अगस्त, 93

का. भा. 1910.—यतः पेट्रोलियम और खनिज पारिपूर्णाईन भूमि में उपयोग के अधिकार का वर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का भा सं. 1732 तारीख 9-6-92 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पारिपूर्णाईनों को विद्यमान के लिए अर्जित करने का प्रस्ताव घोषित कर दिया था।

और यतः यथा अधिकांश प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते हुए पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पारिपूर्णाईन विद्यमान के प्रयोजन के लिए अर्जित किया जाता है।

और यतः उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में निम्नलिखित शर्तों के अधीन उपयोग के अधिकार अर्जित करने का अधिकार केन्द्रित होगा—

में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से तेल और प्राकृतिक गैस आयोग में सभी बाधाओं से मुक्त रूप में व्यवस्था के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी एन जी आई से डब्ल्यू आई एच एच पी एस के पास तक पाइप लाइन बिछाने के लिए।

राज्य — गुजरात	जिला — भरुच	तालुका — वागडा			
गांव	ब्लॉक नं.	हे.	आर.	से	
मुलेर	12/ए	0	12	15	
	12/बी	0	12	16	
	63	0	68	75	

[सं. ओ. 12016/41/92-ओ एन जी बी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 25th August, 1993

S.O. 1910.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S. O. No. 1732, dated 9-6-1992 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM GNGI TO W.I.H. AT EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centiare
Muller	12/A	0	12	15
	12/B	0	12	16
	63	0	68	75

[No. O-12016/4/92-ONG. D. IV]

M. MARTIN, Desk Officer

नई दिल्ली, 25 अगस्त, 1993

का. भा. 1911.—यतः पेट्रोलियम और खनिज पार्ष्व लाईन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार

के पेट्रोलियम और प्राकृतिक गैस अंशालय की अधिसूचना का प्रा. सं. 1733 तारीख 9-6-92 द्वारा केन्द्रीय सरकार ने इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पार्ष्व लाईनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करते हैं कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पार्ष्वलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे, उस धारा की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में व्यवस्था के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

मखडा इपी एस से ए के सी एल टी बिन्दु तक पाइप लाइन बिछाने के लिए।

राज्य—गुजरात जिला—भरुच तालुका—अंकनेश्वर

गांव	ब्लॉक नं.	हे.	आर.	से
दीवी	135	0	11	96
	136	0	12	35
	138	0	10	40
	139	0	11	70
	142	0	17	55

[सं. ओ. 12016/42/92-ओ एन जी बी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 25th August, 1993

S.O. 1911.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S. O. No. 1733, dated 9-6-1992 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

PIPELINE FROM ANDADA EPS TO T.POINT OF AKCL

State : Gujarat District : Bharuch Taluka : Ankleshwar

Village	Block No.	Hectare	Acre	Centiare
Divi	135	0	11	96
	136	0	12	35
	138	0	10	40
	139	0	11	70
	142	0	17	55

[No. O-12016/42/92-ONG. D. IV]

M. MARTIN, Desk Officer

स्वास्थ्य और परिवार कल्याण मंत्रालय

नई दिल्ली, 17 जुलाई, 1993

का. भा. 1912.—भारतीय नर्सिंग परिषद् ने 6 जनवरी, 1992 को हुई बैठक में पारित संकल्प द्वारा और भारतीय नर्सिंग परिषद् अधिनियम 1947 (1947 का 48) की धारा 10 की उपधारा (2) के अनुसरण में यह घोषणा की है कि उसमें विनिर्दिष्ट अर्हताएं उक्त अधिनियम के प्रयोजनों के लिए मान्यता प्राप्त अर्हताएं होंगी ;

और जैसा उक्त अधिनियम की धारा 15 की उपधारा (1) के अनुसार अपेक्षित है, उक्त संकल्प भारतीय नर्सिंग परिषद् की दिनांक 20 अप्रैल, 1992 की अधिसूचना सं. 11-1/92-भा. न. प. के साथ राजपत्र में प्रकाशित किए गए हैं ;

अतः अब उक्त अधिनियम की धारा 15 की उपधारा (2) के उपबंधों के अनुसरण में केन्द्रीय सरकार उक्त अधिनियम की अनुसूची में निम्नलिखित और संशोधन करती है ताकि इसे उक्त घोषणा के अनुरूप बनाया जा सके, नामतः—

उक्त अधिनियम की अनुसूची के भाग-1 में “क-सामान्य नर्सिंग” शीर्षक के अंतर्गत प्रविष्टि 60 के पश्चात् निम्नलिखित प्रविष्टियां अंतः स्थापित की जाएंगी, नामतः—

“61. महात्मा गांधी विश्वविद्यालय, कोट्टायम (केरल)
(3 जनवरी, 1983 को अथवा उसके पश्चात् प्रदत्त)।

62. कालीकट विश्वविद्यालय (केरल)
(12 अप्रैल, 1982 को अथवा उसके पश्चात् प्रदत्त)।”

[संख्या बी.-14015/1/92—पी एम एस]

भार. श्रीनिवासन, भवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 17th July, 1993

S.O. 1912.—Whereas the Indian Nursing Council has, by a resolution passed at a meeting held on the 6th January, 1992 and in pursuance of sub-section (2) of section 10 of the Indian Nursing Council Act, 1947 (48 of 1947), declared that the qualifications specified therein shall be a recognised qualification for the purposes of the said Act ;

And whereas the said resolutions has been published in the Official Gazette with the Notifications of the Indian Nursing Council No. 11-1/92 INC, dated the 20th April, 1992, as required by sub-section (1) of section 15 of the said Act ;

Now, therefore, in pursuance of the provisions of sub-section (2) of section 15 of the said Act, the Central Government hereby makes the following further amendment in the Schedule to the said Act so as to bring it into accord with the said declaration, namely :—

In the Schedule to the said Act, in Part I, under the heading “A-General Nursing” after entry 60, the following entries shall be inserted, namely :—

“61. Mahatma Gandhi University, Kottayam (Kerala)
(When granted on or after 3rd January, 1983)
62. University of Calicut (Kerala)
(When granted on or after 12th April, 1982)”

[No. V-14015/1/92-PMS]

R. SRINIVASAN, Under Secy.

नई दिल्ली, 18 अगस्त, 1993

का. भा. 1913.—भारतीय नर्सिंग परिषद् ने 6 जनवरी, 1992 को हुई बैठक में पारित संकल्प द्वारा और भारतीय नर्सिंग परिषद् अधिनियम 1947 (1947 का 48) की धारा 10 की उपधारा (2) के अनुसरण में यह घोषणा की है कि 1 जून, 1982 को अथवा उसके पश्चात् प्रदत्त जन स्वास्थ्य में डिप्लोमा/नर्सिंग शिक्षा में डिप्लोमा उक्त अधिनियम के प्रयोजनों के लिए उच्चतर योग्यता के रूप में मान्य होगा ;

और जैसा उक्त अधिनियम की धारा 15 की उपधारा (1) के अनुसार अपेक्षित है, उक्त संकल्प भारतीय नर्सिंग परिषद् की दिनांक 20 अप्रैल, 1992 की अधिसूचना सं.- 11-1/92-भा. न. पा. के साथ राजपत्र में प्रकाशित किए गए हैं ;

अतः अब उक्त अधिनियम की धारा 15 की उपधारा (2) के उपबंधों के अनुसरण में केन्द्रीय सरकार उक्त अधिनियम की अनुसूची में निम्नलिखित और संशोधन करती है ताकि इसे उक्त घोषणा के अनुरूप बनाया जा सके, नामतः—

उक्त अधिनियम की अनुसूची के भाग-II में “मान्यता प्राप्त उच्चतर योग्यता” शीर्षक के अंतर्गत, प्रविष्टि 36 के पश्चात् निम्नलिखित प्रविष्टि अंतःस्थापित की जाएगी, नामतः—

“37. स्वास्थ्य सेवा जन स्वास्थ्य में डिप्लोमा/नर्सिंग
निदेशालय, शिक्षा में डिप्लोमा (1 जून,
मध्य प्रदेश 1982 को या उसके पश्चात्
प्रदत्त)।”

[संख्या बी. 14015/1/92—पी एम एस]

भार. श्रीनिवासन, भवर सचिव

पाठ टिप्पणी:—अनुसूची के भाग-II में संशोधन—

1. का. आ. सं. 3356, दिनांक 23-11-1981
2. का. आ. सं. 3399, दिनांक 23-11-1981
3. का. आ. सं. 2732, दिनांक 18-09-1990 के तहत किया गया था।

New Delhi, the 18th August, 1993

S.O. 1913.—Whereas the Indian Nursing Council has, by a resolution passed at a meeting held on the 6th January, 1992 and in pursuance of sub-section (2) of section 10 of the Indian Nursing Council Act, 1947 (48 of 1947), declared that the Diploma in Public Health/Diploma in Nursing Education when granted on or after 1st June, 1982 shall be recognised as higher qualification for the purpose of the said Act ;

And whereas the said resolution has been published in the official Gazette with the Notification of the Indian Nursing Council No. 11-1/92-INC, dated the 20th April, 1992, as required by sub-section (1) of section 15 of the said Act ;

Now, therefore, in pursuance of the provisions of sub-section (2) of section 15 of the said Act, the Central Government hereby makes the following further amendment in the Schedule to the said Act so as to bring it into accord with the said declaration, namely :—

In the Schedule to the said Act, in Part-II, under the heading "Recognised Higher Qualification", after entry 36, the following entry shall be inserted, namely :—

"37. Directorate of Health Services,
Madhya Pradesh Diploma in Public Health/Diploma
in Nursing Education.

(When granted on or after 1st June 1982)"

[No. V-14015/1/92-PMS]

R. SRINIVASAN, Under Secy.

Four note—Part II of the Schedule was amended vide :—

1. S.O. No. 3356 dated 23-11-1981
2. S.O. No. 3399 dated 23-11-1981
3. S.O. No. 2732 dated 18-9-1990.

(स्वास्थ्य विभाग)

नई दिल्ली, 17 अगस्त, 1993

का. आ. 1914 :—केन्द्रीय सरकार भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) का धारा 3 की उपधारा (1) के अनुसरण में, भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय का भारत के राजपत्र, तारीख 16 जनवरी, 1960 में प्रकाशित अधिसूचना का. आ. 138 तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में,

- (1) "धारा 3 की उपधारा (1) के खंड (क) के प्रतीक "निर्दिष्ट" शीर्षक के नीचे, क्रम संख्यांक 11 और उसके संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टि रखी जाएगी, अर्थात् :—

"11 डा. (श्रीमती) मालती थापर,

विभाग सभा सदस्य, अध्यक्ष, भारी. एम. ए. पंजाब
डा. श्याम लाल थापर, नर्सिंग होम, जी.टी. रोड, मोगा।"

- (2) "धारा 3 की उपधारा (1) के खंड (ख) के प्रतीक "निर्दिष्ट" शीर्षक के नीचे क्रम संख्यांक 20 और 54 तथा उनसे संबंधित प्रविष्टियों के स्थान पर क्रमशः निम्नलिखित क्रम संख्यांक और प्रविष्टियां रखी जाएंगी, अर्थात् :—

"20. डा. बी. लक्ष्मी बाई" मैसूर विश्वविद्यालय
प्रधानाचार्य, मेडिकल कॉलेज, मैसूर।"

"54. डा. ए. एस. सैनी, महर्षि दयानन्द विश्व-
निदेशक, मेडिकल कॉलेज, रोहतक और संकायप्रमुख प्रायुर्विज्ञान, विद्यालय, रोहतक
महर्षि दयानन्द विश्वविद्यालय,
रोहतक।

[सं. बी.-11013/6/93-एम. ई. (यू. जी.)]

भार. विवरणकारी, डेस्क प्रो. कार.

(Department of Health)

New Delhi, the 17th August, 1993

S.O. 1914.—In pursuance of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Health published vide S.O. 138 dated the 9th January, 1960, in the Gazette of India dated the 16th January, 1960, namely :—

In the said notification,

(1) under the heading "Nominated under clause (a) of sub-section (1) of section 3", for serial number 11 and the entries relating thereto, the following serial number and entry shall be substituted, namely :—

"11. Dr. (Mrs) Malti Thapar,
M.L.A.
President, I.M.A.
Punjab,
Dr. Shyam Lal Thapar Nursing Home,
G. T. Road, Moga."

(2) under the heading "Elected under clause (b) of sub-section (1) of section 3", for serial number 20 and 54, and the entries relating thereto, the following serial numbers and entries shall be substituted respectively, namely :—

"20. Dr. B. Lakshmi Bai, Mysore University
Principal,
Medical College, Mysore."

"54. Dr. A. S. Saini Maharshi Dayanand
Director, University, Rohtak
Medical College, Rohtak and
Dean, Faculty of Medical Sciences,
Maharshi Dayanand University,
Rohtak."

[No. V-11013/6/93-ME (UG)]
R. VIJAYAKUMARI, Desk Office

संचार मंत्रालय

(डाक विभाग)

नई दिल्ली, 28 जनवरी, 1992

का. भा. 1915.—डाक क्षेत्रों में शक्तियों का विकेंद्रीकरण किए जाने के फलस्वरूप और सार्वजनिक परिसर (अनधिकृत पत्राधिकारी का निष्कासन) अधिनियम, 1971 के खंड III द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और किसी प्रकार के अधिक्रमण से पहले की जाने वाली संबंधित बातों को करने अथवा न करने के अलावा भारत सरकार, संचार मंत्रालय की दिनांक 12 मई, 1977 की अधिसूचना सं. 2-209/73-एन. बी. का अधिक्रमण करते केन्द्र सरकार एतद्वारा नीचे दी गई तालिका के कालम 3 में विनिर्दिष्ट, सरकार के निम्नलिखित राजपत्रित अधिकारियों को कथित अधिनियम के प्रयोजनार्थ डाक विभाग में संपदा अधिकारियों के रूप में नियुक्ति करती है, जो तालिका के कालम 4 में समवर्ती प्रविष्टि में विनिर्दिष्ट स्थलीय अधिकार क्षेत्र के भीतर पड़ने वाले अथवा उसके अधीन संपदा अधिकारियों को प्रवृत्त शक्तियों का प्रयोग करेंगे और सौंपे गए कार्यों को करेंगे।

क्रम सं.	सकिल का नाम	अधिकारी का नाम	प्रादेशिक क्षेत्राधिकार
1	2	3	4
1. आंध्र प्रदेश		सहायक पोस्टमास्टर जनरल, मुख्य पोस्टमास्टर जनरल, का कार्यालय, आंध्र प्रदेश सकिल, हैदराबाद । निदेशक डाक सेवा, पोस्टमास्टर जनरल का कार्यालय, हैदराबाद । निदेशक डाक सेवा कुरनूल क्षेत्र, कुरनूल वरिष्ठ अधीक्षक डाकघर, विजयवाड़ा । निदेशक डाक सेवा, विशाखापतनम् क्षेत्र, विशाखापतनम् ।	हैदराबाद सिटी क्षेत्र हैदराबाद क्षेत्र कुरनूल क्षेत्र विजयवाड़ा क्षेत्र विशाखापतनम् क्षेत्र
2. असम		सहायक निदेशक (भवन); मुख्य पोस्टमास्टर जनरल का कार्यालय, असम सकिल, गुवाहटी ।	असम सकिल
3. बिहार		सहायक निदेशक (भवन), मुख्य पोस्टमास्टर जनरल का कार्यालय, बिहार सकिल, पटना । सहायक पोस्टमास्टर जनरल का कार्यालय, मार्थ बिहार क्षेत्र, मुजफ्फरपुर । सहायक पोस्टमास्टर जनरल, पोस्टमास्टर जनरल का कार्यालय, दक्षिण बिहार क्षेत्र, रांची ।	पटना क्षेत्र उत्तरी बिहार क्षेत्र दक्षिण बिहार क्षेत्र

1	2	3	4
4.	दिल्ली	सहायक पोस्टमास्टर जनरल (सतर्कता) मुख्य पोस्टमास्टर जनरल का कार्यालय, दिल्ली सेंट्रल, दिल्ली	दिल्ली सेंट्रल
5.	गुजरात	सहायक पोस्टमास्टर जनरल, गुजरात सेंट्रल, अहमदाबाद सहायक पोस्टमास्टर जनरल, राजकोट क्षेत्र का कार्यालय, राजकोट सहायक निदेशक डाक सेवाएं (सतर्कता), पोस्टमास्टर जनरल का कार्यालय, बड़ोदरा क्षेत्र, बड़ोदरा	अहमदाबाद क्षेत्र बड़ोदरा क्षेत्र
6.	हरियाणा	सहायक पोस्टमास्टर जनरल (स्टाफ), पोस्टमास्टर जनरल का कार्यालय, हरियाणा सेंट्रल, मम्बाला	हरियाणा सेंट्रल
7.	हिमाचल प्रदेश	सहायक पोस्टमास्टर जनरल, पोस्टमास्टर जनरल का कार्यालय, हिमाचल प्रदेश सेंट्रल, शिमला	हिमाचल प्रदेश सेंट्रल
8.	जम्मू व कश्मीर	सहायक पोस्टमास्टर जनरल, पोस्टमास्टर जनरल का कार्यालय, जम्मू व कश्मीर सेंट्रल, श्रीनगर	जम्मू व कश्मीर सेंट्रल
9.	कर्नाटक	सहायक पोस्टमास्टर जनरल, मुख्य पोस्टमास्टर जनरल का कार्यालय, कर्नाटक सेंट्रल, बेंगलूर सहायक निदेशक, डाक सेवा—III, पोस्टमास्टर जनरल का कार्यालय, दक्षिण कर्नाटक क्षेत्र, बेंगलूर वरिष्ठ अधीक्षक, डाकघर, धारवाड़	बेंगलूर क्षेत्र दक्षिण कर्नाटक क्षेत्र धारवाड़ क्षेत्र
10.	केरल	सहायक पोस्टमास्टर जनरल, मुख्य पोस्टमास्टर जनरल का कार्यालय, केरल सेंट्रल, त्रिवेन्द्रम सहायक निदेशक, डाक सेवा, पोस्टमास्टर जनरल का कार्यालय, कालीकट क्षेत्र, कालीकट सहायक महानिदेशक, डाक सेवा, पोस्टमास्टर जनरल का कार्यालय, कोचीन	त्रिवेन्द्रम क्षेत्र कालीकट क्षेत्र केन्द्रीय क्षेत्र

1	2	3	4
11.	मध्य प्रदेश	सहायक पोस्टमास्टर जनरल (डाक जीवन बीमा), मुख्य पोस्टमास्टर जनरल का कार्यालय, मध्य प्रदेश सफ़िल, भोपाल सहायक निदेशक, डाक सेवा (स्थापना), पोस्टमास्टर जनरल का कार्यालय, इन्दौर क्षेत्र, इन्दौर सहायक पोस्टमास्टर जनरल (स्टाफ), पो. मास्टर जनरल का कार्यालय, रायपुर क्षेत्र, रायपुर	भोपाल क्षेत्र इन्दौर क्षेत्र रायपुर क्षेत्र
12.	महाराष्ट्र	सब पोस्टमास्टर जनरल (बचत बैंक), मुख्य पोस्टमास्टर जनरल का कार्यालय, महाराष्ट्र सफ़िल, बम्बई सहायक निदेशक, डाक सेवा, पोस्टमास्टर जनरल का कार्यालय, गोध्रा क्षेत्र, गोध्रा सहायक निदेशक, डाक सेवा-II, पोस्टमास्टर जनरल का कार्यालय, औरंगाबाद क्षेत्र, औरंगाबाद सहायक निदेशक, डाक सेवा, पोस्टमास्टर जनरल का कार्यालय, पुणे क्षेत्र, पुणे सहायक निदेशक, डाक सेवा-II, पोस्टमास्टर जनरल का कार्यालय, नागपुर क्षेत्र, नागपुर सहायक पोस्टमास्टर जनरल (स्टाफ), मुख्य पोस्टमास्टर जनरल का कार्यालय, उत्तर पूर्व सफ़िल, शिलांग	बम्बई क्षेत्र गोध्रा क्षेत्र औरंगाबाद क्षेत्र पुणे क्षेत्र नागपुर क्षेत्र उत्तर पूर्व क्षेत्र
13.	उत्तर पूर्व		
14.	उड़ीसा	सहायक पोस्टमास्टर जनरल (कल्याण), मुख्य पोस्टमास्टर जनरल का कार्यालय, उड़ीसा क्षेत्र, भुवनेश्वर सहायक निदेशक; डाक सेवा (भवन); मुख्य पोस्टमास्टर जनरल का कार्यालय, बहरामपुर क्षेत्र, बहरामपुर	भुवनेश्वर क्षेत्र बहरामपुर

1	2	3	4
		सहायक निदेशक, डाक सेवा (स्थापना), पो. मास्टर जनरल का कार्यालय, सांबलपुर क्षेत्र, सांबलपुर	सांबलपुर
15. पंजाब		सहायक पोस्टमास्टर जनरल, मु. पो. मा. जनरल का कार्यालय, पंजाब सर्किल, चंडीगढ़। सहायक निदेशक, डाक सेवा, क्षेत्रीय पोस्टमास्टर जनरल का कार्यालय, चंडीगढ़।	मुख्य पोस्टमास्टर जनरल, पंजाब सर्किल, चंडीगढ़ के नियंत्रण के अंतर्गत माने वाले ग्रहाते। क्षेत्रीय पोस्टमास्टर जनरल, चंडीगढ़ के प्रशासनिक नियंत्रण के अंतर्गत माने वाले ग्रहाते।
16. राजस्थान		सहायक पोस्टमास्टर जनरल (स्टाफ), मुख्य पोस्ट मास्टर जनरल का कार्यालय, राजस्थान सर्किल, जयपुर। सहा. पो. मास्टर जनरल, पोस्टमास्टर जनरल का कार्यालय, राजस्थान (पूर्वी क्षेत्र) जयपुर सहायक पोस्टमास्टर जनरल, पोस्टमास्टर जनरल का कार्यालय, राजस्थान (पश्चिमी क्षेत्र) जोधपुर।	जयपुर क्षेत्र राजस्थान पूर्वी क्षेत्र राजस्थान (पश्चिमी क्षेत्र)
17. तमिलनाडू		सहा. पोस्टमास्टर जनरल, (प्लान मॉनीटरिंग कार्यान्वयन) मुख्य प्रो. मा. जनरल का कार्यालय, तमिल नाडू सर्किल, मद्रास। सहायक निदेशक, डाक सेवा-1, मुख्य पोस्टमास्टर जनरल का कार्यालय, मद्रास क्षेत्र, मद्रास। सहायक निदेशक डाक सेवा, (स्टाफ), पोस्टमास्टर जनरल का कार्यालय, मदुरै क्षेत्र, मदुरै। सहायक निदेशक डाक सेवा (स्थापना), पोस्टमास्टर जनरल का कार्यालय, कोयमतूर क्षेत्र, कोयमतूर।	मद्रास सिटी क्षेत्र मद्रास क्षेत्र मदुरै क्षेत्र त्रिचि क्षेत्र कोयमतूर क्षेत्र

1	2	3	4
18.	उत्तर प्रदेश	<p>सहायक पोस्टमास्टर जनरल, मुख्य पोस्टमास्टर जनरल का कार्यालय, उ.प्र. सर्किल, लखनऊ ।</p> <p>सहायक पोस्टमास्टर जनरल पोस्ट मास्टर जनरल का कार्यालय, उ.प्र. सर्किल, लखनऊ ।</p> <p>निदेशक, डाक सेवा, इलाहाबाद क्षेत्र, इलाहाबाद ।</p> <p>सहायक पोस्टमास्टर जनरल, पोस्टमास्टर जनरल का कार्यालय, बरेली, क्षेत्र बरेली ।</p> <p>निदेशक, डाक सेवा, पो.मा. जनरल का कार्यालय, गोरखपुर क्षेत्र, गोरखपुर ।</p> <p>सहायक पोस्ट मास्टर जनरल, पोस्टमास्टर जनरल का कार्यालय, देहरादून क्षेत्र, देहरादून ।</p> <p>वरिष्ठ अधीक्षक, डाकघर, कानपुर सिटी ।</p>	<p>लखनऊ क्षेत्र</p> <p>आगरा क्षेत्र</p> <p>इलाहाबाद क्षेत्र</p> <p>बरेली क्षेत्र</p> <p>गोरखपुर क्षेत्र</p> <p>देहरादून क्षेत्र</p> <p>कानपुर क्षेत्र</p>
19.	बंगाल	<p>सहायक पोस्टमास्टर जनरल, मुख्य पोस्टमास्टर जनरल का कार्यालय, पश्चिम बंगाल, सर्किल कलकत्ता ।</p> <p>सहायक पोस्टमास्टर जनरल, पोस्टमास्टर जनरल का कार्यालय, कलकत्ता क्षेत्र, कलकत्ता ।</p> <p>सहायक पोस्टमास्टर जनरल, पोस्टमास्टर जनरल का कार्यालय, हावड़ा क्षेत्र, कलकत्ता ।</p> <p>निदेशक, डाक सेवा, सिलीगुड़ी क्षेत्र, सिलीगुड़ी ।</p>	<p>कलकत्ता सिटी क्षेत्र</p> <p>कलकत्ता क्षेत्र</p> <p>हावड़ा क्षेत्र</p> <p>सिलीगुड़ी क्षेत्र</p>

MINISTRY OF COMMUNICATIONS

(Department of Posts)

New Delhi, the 28th January, 1992

S.O.1915.—Consequent upon the decentralisation of Powers to the Postal Regions, and in exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, and in supersession of the Notification of the Government of India in the Ministry of Communications, No. 2-209/73-NB, dated the 12th May, 1977, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the following officers, being Gazetted officers of the Government, specified in column 3 of the Table below to be Estate Officers in the Department of Posts for the purposes of the said Act, who shall exercise of powers conferred and perform the duties imposed on Estate Officers by or under the said Act in respect of public premises falling in the territorial jurisdiction specified in the corresponding entry in column 4 of the Table.

THE TABLE

Sl. Name of the Circle No.	Designation of Officers	Territorial Jurisdiction
1	2	3
		4
1. Andhra Pradesh	Assistant Postmaster General Office of Chief Postmaster General Andhra Pradesh Circle, Hyderabad.	Hyderabad City Region
	Director of Postal Services O/o the Postmaster General, Hyderabad Region.	Hyderabad Region
	Director of Postal Services, Kurnool Region Kurnool.	Kurnool Region
	Senior Superintendent Post Offices, Vijayawada.	Vijayawada Region
	Director of Postal Services, Visakhapatnam Region Visakhapatnam.	Visakhapatnam Region
2. Assam	Assistant Director (Building) O/o Chief Postmaster General, Assam Circle, Guwahati.	Assam Circle
3. Bihar	Assistant Director (Building) O/o Chief Postmaster General Bihar Circle, Patna.	Patna Region
	Assistant Postmaster General, O/o Postmaster General North Bihar Region Muzaffarpur.	North Bihar Region
	Assistant Postmaster General, O/o Postmaster General, South Bihar Region Ranchi.	South Bihar Region
4. Delhi	Assistant Postmaster General (Vigilance) O/o Chief Postmaster General, Delhi Circle, Delhi.	Delhi Circle

5. Gujarat	Assistant Postmaster General, Gujarat Circle, Ahmedabad.	Ahmedabad Region.
	Assistant Postmaster General, O/o Rajkot Region, Rajkot	Rajkot Region.
	Assistant Director of Postal Services (Vigilance), O/o Postmaster General Vadodara Region, Vadodara.	Vadodara Region
6. Haryana	Assistant Postmaster General (Staff), O/o Postmaster General Haryana Circle, Ambala.	Haryana Circle.
7. Himachal Pradesh	Assistant Postmaster General, O/o Postmaster General, Himachal Pradesh Circle, Shimla	Himachal Pradesh Circle.
8. Jammu & Kashmir	Assistant Postmaster General, O/o Postmaster General, Jammu & Kashmir Circle, Srinagar.	Jammu & Kashmir Circle.
9. Karnataka	Assistant Postmaster General, O/o Chief Postmaster General Karnataka Circle, Bangalore.	Bangalore Region.
	Assistant Director of Postal Services-III. O/o Postmaster General, South Karnataka Region, Bangalore.	South Karnataka Region.
	Senior Superintendent of Post Offices, Dharwar.	Dharwar Region
10. Kerala	Assistant Postmaster General, O/o Chief Postmaster General, Kerala Circle, Trivandrum	Trivandrum Region
	Assistant Director of Postal Services, O/o Post master General, Calicut Region, Calicut.	Calicut Region
	Assistant Director of Postal Services, O/o the Postmaster General Cochin,	Central Region.
11. Madhya Pradesh	Assistant Postmaster General (Postal Life Insurance) O/o Chief Postmaster General, Madhya Pradesh Circle Bopal	Bhopal Region
	Assistant Director of Postal Services (Establishment) O/o Postmaster General, Indore Region, Indore.	Indore Region
	Assistant Postmaster General (Staff), O/o Post master General, Raipur Region, Raipur.	Raipur Region.
12. Maharashtra	Assistant Postmaster General, (Saving Banks), O/o Chief Postmaster General Maharashtra Circle, Bombay.	Bombay Region.

1	2	3	4
	Assistant Director of Postal Services, O/o Postmaster General, Goa Region, Goa.		Goa Region.
	Assistant Director of Postal Services-II, O/o Postmaster General, Aurangabad Region, Aurangabad.		Aurangabad Region.
	Assistant Director of Postal Services, O/o Postmaster General, Pune Region, Pune.		Pune Region.
	Assistant Director of Postal Services-II, O/o Postmaster General Nagpur Region, Nagpur.		Nagpur Region
13. North-East	Assistant Postmaster General (Staff), O/o Chief Postmaster General, North East Circle, Shillong.		North-East-Circle.
14. Orissa	Assistant Postmaster General (Welfare), O/o Chief Postmaster General, Orissa Circle, Bhubaneswar.		Bhubaneswar. Region
	Assistant Director of Postal Services (Building), O/o Chief Postmaster General Berhampur Region, Berhampur.		Berhampur Region.
	Assistant Director of Postal Services (Establishment) O/o Postmaster General, Sambalpur Region, Sambalpur		Sambalpur Region.
15. Punjab	Assistant Postmaster General, O/o Chief Post Master General, Punjab Circle, Chandigarh.		Premises under the Administrative control of the Chief Postmaster General, Punjab Circle, Chandigarh.
	Assistant Director of Postal Services, O/o Regional Postmaster General, Chandigarh.		Premises under the administrative control of the Regional Postmaster General Chandigarh.
16. Rajasthan	Assistant Postmaster General (Staff), O/o Chief Postmaster General Rajasthan Circle, Jaipur.		Jaipur Region.
	Assistant Postmaster General, O/o Postmaster General, Rajasthan (Eastern) Region, Jaipur		Rajasthan (Eastern) Region.
	Assistant Postmaster General, O/o Postmaster General, Rajasthan (Western) Region, Jodhpur.		Rajsthan (Western) Region.
17. Tamil Nadu	Assistant Postmaster General (Plan Monitoring Implementation), O/o Chief Postmaster General, Tamil Nadu Circle, Madras.		Madras City Region.
	Assistant Director of Postal Services-I O/o Chief Postmaster General, Madras Region Madras,		Madras Region.
	Assistant Director of Postal Services (Staff) O/o Postmaster General Madurai Region, Madurai.		Madurai Region.

1	2	3	4
		Assistant Director of Postal Services (Establishment) O/o Postmaster General, Trichy.	Trichy Region.
		Assistant Director of Postal Services (Establishment) O/o Postmaster General, Coimbatore Region, Coimbatore	Coimbatore Region.
18. Uttar Pradesh		Assistant Postmaster General, O/o Chief Postmaster General, Uttar Pradesh Circle, Lucknow.	Lucknow Region
		Assistant Postmaster General, O/o Postmaster General, Uttar Pradesh Circle, Lucknow.	Agra Region.
		Director of Postal Services Allahabad Region, Allahabad	Allahabad Region.
		Assistant Postmaster General, O/o Postmaster General Bareilly Region, Bareilly.	Bareilly Region.
		Director of Postal Services, O/o Postmaster General, Assistant Postmaster General, O/o Postmaster General Dehradun Region, Dehradun.	Gorakhpur Region Dehradun Region.
		Senior Superintendent of Post Offices, Kanpur City.	Kanpur Region.
19. West Bengal		Assistant Postmaster General O/o Chief Postmaster General, West Bengal Circle, Calcutta	Calcutta City
		Assistant Postmaster General, O/o Postmaster General Calcutta Region, Calcutta	Calcutta Region.
		Assistant Postmaster General, O/o Postmaster General, Howrah Region, Calcutta.	Howrah Region.
		Director of Postal Services Siliguri Region, Siliguri	Siliguri Region.

[No. 2-119/90-Bldg.]

A.K. SINGH, Assistant Director General (PME)

नई दिल्ली, 23 अगस्त, 1993

का. भा. 1916.—राजभाषा नियम. (संघ के शासकीय प्रयोजनों के लिए प्रयोग), 1976 के नियम 10 के उप-नियम (4) के अनुसरण में केन्द्र सरकार, डाक विभाग के निम्नलिखित अधीनस्थ कार्यालयों को, जिनके 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

क्र.सं. कार्यालय का नाम

1. प्रवर अधीक्षक डाकघर,
भावनगर मण्डल, भावनगर

2. प्रवर अधीक्षक डाकघर,
मेहसाणा मण्डल, मेहसाणा
3. प्रवर अधीक्षक डाकघर,
खेड़ा मण्डल, आणंद
4. पोस्टमास्टर जनरल,
राजकोट क्षेत्र, राजकोट
5. अधीक्षक डाकघर,
आणंद मण्डल, आणंद
6. अधीक्षक डाक भंडार गृह,
राजकोट

7. अधीक्षक रेल डाक सेवा
"भारत जे" मण्डल, राजकोट
8. प्रवर अधीक्षक डाकघर
नगर मंडल, अहमदाबाद
9. अधीक्षक डाकघर, गांधीनगर
10. अधीक्षक डाकघर,
भरुच मण्डल, भरुच

[सं. ई.-11017/1/92--रा. भा.]

डा. गिरिवरधारी सिंह, निदेशक (राजभाषा)

New Delhi, the 23rd August, 1993

S.O. 1916.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (use for official purposes of the union) Rules, 1976, the Central Government hereby notify the following offices of the Department of Posts, where 80 per cent staff has acquired the working knowledge of Hindi.

S. No. Name of the Office

1. Senior Superintendent Post Offices, Bhaw Nagar Division, Bhaw Nagar.
2. Senior Superintendent, Post Offices Mehsana Division, Mehsana.
3. Senior Superintendent, Post Offices, Khera Division, Anand.
4. Post Master General, Rajkot Region, Rajkot.
5. Superintendent, Post Offices, Anand Division, Anand.
6. Superintendent, Postal Store Depot, Rajkot.
7. Superintendent, Railway Mail Service, 'RJ' Division, Rajkot.
8. Senior Superintendent, Post Offices, City Division, Ahmedabad.
9. Superintendent, Post Offices, Gandhi Nagar.
10. Superintendent, Post Officer, Bharuch Division, Branch.

[No. E-11017/1/92-OL]

DR. G. D. SINGH, Director (OL)

श्रम मंत्रालय

नई दिल्ली, 13 अगस्त, 1993

का. भा. 1917.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमि. की गोलखडीह ओपनकास्ट प्रोजेक्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं.-2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-8-93 को प्राप्त हुआ था।

[सं. एल.-24012/9/86 डी-4(बी)/आई भार (कोल-I)]

एच. सी. गोड़, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 13th August, 1993

S.O. 1917.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Golakdhah Opencast Project of M/s. B.C.C.L. and their workmen which was received by the Central Government on 12-8-1993.

Annexure in the industrial dispute between the employers in relation to the management of Golakdhah Opencast Project of M/s. B.C.C.L. and their workmen which was received by the Central Government on 12-8-1993.

[No. L-24012/9/86-D.IV (B)/IR (C-D)]
HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947)

Reference No. 264 of 1986

PARTIES :

Employers in relation to the management of Golakdhah Opencast Project of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—None.

On behalf of the employers—Shri R. S. Murthy, Advocate

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 30th July, 1993

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/9/86-D.IV (B), dated, the 23rd July, 1986.

SCHEDULE

"Whether the action of the management of Golakdhah Opencast Project of M/s. Bharat Coking Coal Limited P.O. Jharia, Distt. Dhanbad in not regularising the services of workmen in Annexure-A is justified? If not, to what relief the workmen are entitled?"

ANNEXURE A

1. Smt. Ramkali Kamin.
2. Smt. Jamuna Gorai.
3. Smt. Baroni Bourin.
4. Smt. Bhani Domin.
5. Smt. Devia Bhuini.
6. Sri Madan Mallik.
7. Sri Chhotu Lohar.

2. This reference is pending since the year 1986 for passing necessary Award. I find that the parties have already submitted their W.S. long ago. Lastly on 16-6-93 a positive order was passed directing the learned counsel for the management to produce the witness failing which the matter will be heard ex parte. I find that on 16-7-93 one petition was filed stating therein that there was an agreement reached on 16-3-90 whereby Smt. Ram Kalia Kamin, Jamuna Gorai, Boroni Bourin, Dhanu Domin and Devia Kamin were regularised with effect from 1-1-88 vide office order dated 23-7-90. The petition further mentioned that remaining two workers namely S/ Shri Chhotu Lohar and Madan Mallick were also regularised as wagon loaders and subsequently transferred to Kujama Colliery as Miner/loader. In such view of the matter it was submitted that no dispute is existing between the parties and therefore it was prayed to pass no dispute award. I find that a copy of the deliberation held on 16-3-90 at Kovala Bhawan has also been filed plus the office order dated 23-7-90 whereby the casual wagon loaders were regularised. The petition also bears the signature of Shri R. S. Murthy, Advocate for the employers and Shri B. M. Bhardwai, P. M. Bastacolla Area. In the circumstances of the case I find no reason as to why no dispute award should not be passed. Accordingly a 'No dispute' award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 16 अगस्त, 1993

का. सा. 1918.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में केन्द्रीय सरकार, मै. भारत कोकिंग कोल लिमि. को दुग्दा कोल वाशरी के प्रबंधन के संबंध नियोजकों और उनके कर्म-कारों के बीच, अनुबन्ध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-8-93 को प्राप्त हुआ था।

[सं. एन-20012/264/90-आई थार (कोल-I)
एच. सी. गौड़, डेस्क अधिकारी

New Delhi, the 16th August, 1993

S.O. 1918.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Dugda Coal Washery of M/s. B.C.C.L. and their workmen which was received by the Central Government on 13-8-1993.

[No. L-20012/264/90-IR (Coal-I)]
HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 134 of 1991

PARTIES :

Employers in relation to the management of Dugda Coal Washery of M/s. B.C.C.L. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri D. Mukherjee, Advocate

On behalf of the employers—Shri Harihar Nath, Advocate.

STATE : Bihar INDUSTRY : Coal Washery

Dhanbad, the 30th July, 1993

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/264/90-IR. (Coal-I), dated, the 5th February, 1991.

SCHEDULE

"Whether the Management of Dugda Coal Washery of M/s. Bharat Coking Coal Ltd. is justified in not departmentalising the 32 Contract labour workmen (as shown in annexure) employed in the job of maintenance of water supply system at intake well at Dugda Washery? If not, to what relief are the said workmen entitled to?"

2. In this reference the action of the management of Dugda Coal Washery of M/s. BCCCL has been challenged in not departmentalising 32 contract labourers in the job of maintenance of water supply system at intake well at Dugda Coal Washery.

1. The concerned workmen claim to have been engaged by the management of Dugda Coal Washery in the work of water supply system since the very inception of the Coal Washery. They also claim to have been working regularly and continuously for the last 10 to 12 years although the contractors have been changing from time to time. It was also claimed that the management has already entered into agreement with the union which prohibits engagement of the contract labour in permanent nature of job in the washery but in spite of such subsisting agreement the management has been engaging contract labourers with its malafide intention.

4. They also claim that they are directly under the supervision and control of washery officials and the implements and wherewithals for the jobs are provided by the company. The contractor concerned have no role to play except submitting the bills and distributing the wages after collecting the same from the company. The workmen are in fact and law are the workmen of the company and they are entitled to be regularised. It has been prayed that the management be directed to regularise the concerned workmen as permanent workmen of BCCCL and also to pay them wages and other emolument as are being paid to the regular workmen.

5. The management on the other hand has refuted the claim of the concerned workmen for their regularisation. It was stated that no relationship of employer and employee ever existed between the management and the concerned workmen and so there was no industrial dispute within the meaning of Section 2(k) of the I. D. Act.

6. It was stated that the intake well was constructed in the river Damodar at a distance of about 3 K.M. from Dugda Coal Washery and it is not the part and parcel of washery. The management also submitted that it has been engaging contractors to execute the job relating to pumping of water from Damodar River through the said intake well. The contractors have always been changing and they were at liberty to engage their workmen and also to supervise and put control over their workmen. It is the contractors who have been supervising the works of their labours and also providing necessary tools and implements to do the job. The wages of the employees are also paid by the contractors themselves, and that the management has absolutely nothing to do with these workers of the contractors. Lastly it was also submitted that the volume of the work does not require so many labourers as referred to by the union. In this way it was submitted that the union has got no stand and no relief can be granted to the workmen.

6. The main question for consideration would be as to whether the concerned workmen are entitled for their departmentalisation or not.

7. The concerned workmen claim departmentalisation on the ground that they were engaged by the management of Dugda Coal Washery and they have been working since the very inception of the plant. They claim to have been working continuously for the last 12 years. They further claim to have been working under the complete control and supervision of the management. The management on the other hand asserted that they are men of contractors and the management has nothing to do with the workmen. The management has been engaging contractors for executing the job relating to water supply system and it is the contractors themselves who have been engaging their own men. As stated relationship of employer and employee has also been denied.

8. Admittedly, the concerned workmen have no document to show that they were engaged by the management in the year 1978. It is the rather consistent case of the workmen that they have been working continuously under the several contractors. Naturally those contractors did not issue any appointment letter to them. Admittedly the contractors have been changing from time to time but as asserted by the workmen that they work continuously. In this way they claim to have worked for more than 240 days in each calendar year right from the year 1978 till this date.

9. Admittedly there is water supply system at Dugda Coal Washery through intake well. The main function of the washery is to wash coal and to supply such washed coal to the steel plant. Water in huge quantity is required for washing coal. It is further admitted that the water for the purpose is pumped out from Damodar River and it is supplied to the washery plant through intake well. In this connection the evidence of W-1 will be worth noting. He is Shri K. S. Rao Superintending Engineer working in Dugda Coal Washery since 1972. He stated that the intake well is situated

in Damodar River and water is reached to the plant from the well. He explained that water is utilised by the inhabitants of the colony and is also used for the purpose of washing coal. In cross-examination he stated in most unequivocal terms that intake well water is part and parcel of our work. He added that there is no other source of water which can be used in coal washery and the plant cannot work without water. The witness stated that system of supply of water from intake well is in existence since the establishment of Dugda Coal Washery and the system of supplying water cannot be separated from the plant. By making such statement the witness has proved that the system of supply of water is part and parcel of Dugda Coal Washery and both are in separable to each other.

10. The witness stated that there are four pumps installed to take out water from the wells and those pumping sets are the property of the management of BCCL. By this single statement the witness further testified that the implements through which the work is done also belong to the management. From the evidence of the witness it is clearly explained rather proved that intake well is part and parcel of coal washery and it is wrong to suggest that it is not the part and parcel of the washery as pleaded by the management in para 4 of its W.S.

11. Now let us examine whether the maintenance of water supply system through intake well is permanent or temporary. It can be well imagined that supply of water to the inhabitants of the colony can never be a temporary affair. As regards its use in cleaning coal it has been clearly stated by MW-1 that the silts are deposited at the well and in order to remove that silts the management has always been engaging contractors. The witness appears to have supported the case of the management that the management has got no concern with the labour and it is the contractors who engage their own labours but the evidence of this witness on the whole goes to support the case of the workmen. In cross-examination he stated that system of desilting is done throughout the year. At this stage I would also like to refer the evidence of MW-2 Shri M. P. Singh, Dy. Personnel Manager who has been working in Dugda Coal Washery since 1960. The witness stated that they engage contractors every year to remove silts and also for cutting channel so that there may not be any obstruction in regular flow of water. According to him this work is not permanent but in cross-examination he admitted that the concerned workmen are working for the last 8 to 10 years.

12 Now in order to determine the nature of work we have got some documentary evidence which may be dealt as under. Ext. W-1 series are the photo copies of wagesheets showing working days and payment made to the concerned workmen. They mostly relate to the year 1988, 1989, 1990 and 1992. MW-2 has stated that he knows the concerned workmen personally and their attendance can be noted from the wagesheets (Ext. W-1) series. I have carefully perused the attendance of the concerned workmen and they all seem to have worked almost every day in the month and throughout the year. For example I may cite few instances namely of Shri Uttam Mahato, Ashok Kumar, Tulu Mahato.

NAME AND THE DAYS EMPLOYED

	Shri Uttam Mahato	Ashok Kumar	Tulu Mahato
January, 1989	27	11	29
February, 1989	22	28	28
March, 1989	26	20	31
April, 1989	17	28	30
May, 1989	26	24	31
June, 1989	30	30	28
July, 1989	31	31	31
August, 1989	30	29	31
September, 1989	30	30	30
October, 1989	30	31	29
November, 1989	23	8	29
December, 1989	31	31	30
	321 days	301 days	357 days

The chart given above simply demonstrate that these three concerned workmen worked continuously during the whole

year in 1989. They worked for more than 300 days in the calendar year. Ext. W-1 series will reveal similar position in regards to other concerned workmen also. This is more than sufficient to prove that the work of supplying water through the intake well is not temporary rather it is done throughout the year. This means it is definitely a permanent nature of job. It may be mentioned that these wagesheets have been certified by the officials of the management in token of the proof that the payment has been made in their presence. This further signified that the payment was made in accordance with the rules and as per the work done by a particular workman. MW-2 stated that some of the wagesheets bear his signature as well as the signature of the Labour Officer signifying that payments were made to the workers in their presence. The witness further stated their motto in making payment to the concerned workmen remains with the fact that they should be paid according to the minimum wages Act. In the circumstances I am to hold that it was a permanent nature of work and engagement of any contractor to perform such job was beyond the competence of the management and completely against the provision of Contract Labour (Abolition and Regulation) Act, 1970. At this stage reference may also be made to a photo copy of the Memorandum dated 5th July, 1989 (Ext. W-2) wherein there is clear stipulation in Chapter VIII Clause 8.1.1 which reads as follows :—

"Industry shall not employ labour through contractor or engage contractor's labours on job of permanent and perennial nature."

13. The engagement of contractor labour on the permanent job is also violative of the provision contained under clause 11.5.2 of Chapter XI of NCWA-III.

14. It is the case of the management that it has got no supervision and control over the concerned workmen. In this connection the evidence of MW-1 is worth noting. He stated that in the nature of supervision their work is only to see whether sufficient water is supplied to the channel or not. In this view of statement a natural question will crop up as to what happens or what will happen in case of insufficient supply of water. It seems that the truth has percolated from the mouth of this witness when he stated almost in the same breath that if and when required they some times direct the contractor to engage more labours just to quicken the work. I think this will amount to supervision and it is wrong to suggest that the management has no control and supervision. Ext. W-3 and W-4 are the interview letters which were issued to the concerned workmen by the management but their case could not be considered. I think the concerned workmen had gained experience in the job temporarily assigned to them and so their case should have been considered sympathetically. Ext. W-5 series are the photo copies of the identitycard that they were temporarily engaged in the work. Their photographs were also affixed in the cards.

15. The concerned workmen are demanding their regularisation and they stated to have ventilated their grievances to the management several times. The learned counsel for the workmen has referred to the record notes of discussion with the Coal Washeries Union and the management on 2-8-91 and 17-10-91 which have been marked Ext. W-9/1 and W-9/2 respectively. In para 2 of Ext. W-9/1 there is a reference of intake well and the record notes speaks as follows :—

"Para 2

(ii) Intake Well

(iii) pocking of raw coal Hoppers and

(iv) Handling of Stores materials.

In respect of the above contractual jobs, the Union representatives pointed out that in a meeting held on 17th October (80) at CMD level at Koyla Bhawan, the management had agreed to constitute a committee to study the demand for departmentalisation of the above jobs but the decision of the management on the issue is still pending."

Under Ext. W-9/2 the record notes reads as follows :—

"Departmentalisation of contract works such as tunnel cleaning, nocking, intake well and stores in Dugda Coal Washery.

The management assured that the job of departmentalisation of tunnel cleaning will be completed within one month. For remaining jobs mentioned in the Union's demand a committee would be constituted to study the cases and make necessary recommendations within two months."

It appears that the management did not do anything to ameliorate the condition of the concerned workmen so far their regularisation was concerned. The management has also filed two documents namely Ext. M-2 and M-2/1. These are the letters issued by the management, to the different contractors regarding continuous water supply to the intake well in Dugda Coal Washery. By the letters the contractors were directed to call on the office with certain document for issuing agreement. I do not think that these documents can be of any use in this reference.

16. I have considered every aspect of the matter and it is now well proved that the management has been engaging the contractors workers for doing the permanent nature of job which was against law. Since the concerned workmen have been working continuously for years together on permanent job they will be deemed to be the employees of the management. The management is thus directed to regularise the concerned workmen in Cat. I within two months from the date of publication of the Award.

This is my Award.

B. RAM, Presiding Officer

ANNEXURE

Sl. No.

NAME

1. Shri Uttam Mahato
2. Shri Tulu Mahato
3. Shri Dasrath Mahato
4. Shri Anil Mahato
5. Shri Madhu Mahato
6. Shri Mohan Lal Mahato
7. Shri Amrit Mahato
8. Shri Patil Mahato
9. Shri Mohan Mahato
10. Shri Dhaneshwar Mahato
11. Shri Dharamotand Mahato
12. Shri Tilakdhari Mahato
13. Shri Ishwar Mahato
14. Shri Radha Munda
15. Shri Bhakara Mahato
16. Shri Bhola Mahato
17. Shri Bhola Nath Mahato
18. Shri Basudeo Mahato
19. Shri Ram Ratan Nag
20. Shri Thana Mahato
21. Shri Govind Mahato
22. Shri Dillu Mahato
23. Shri Akhalashwar Mahato
24. Shri Tulsi Mahato
25. Shri Matakdhari Singh
26. Shri Lal Mohan Singh
27. Shri Lakhan Singh
28. Shri Bhagirath Kaparadar
29. Shri Churaman Mahato
30. Shri Bhusan Mahato
31. Shri Ashok Kumar
32. Shri Sita Ram Singh.

नई दिल्ली, 19 अगस्त, 1993

का. प्र. 1919.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैं भारत कोकिंग कोल. लि. की फुलरिहंड कोलियरी के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, सम्बंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (नं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-93 को प्राप्त हुआ था।

[सं. एल-20012/272/83-डी 3(ए)/आई प्रार. (कोल-1)]

एच. ए. गोड, ईस्ट अधिकारी

New Delhi, the 19th August, 1993

S.O. 1919.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Phularitand Colliery of M/s. B.B.C.L. and their workmen which was received by Central Government on 17-8-93.

[No. L-20012/272/83 D.III(A)/IR/CT]

BIJAJI GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE No 7 OF 1984

PARTIES :

Employers in relation to the management of Phularitand Colliery of M/s. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri D. Mukherjee, Secretary, Bihar Colliery Kamgar Union.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 10th August, 1993

AWARD

The Govt. of India, Ministry of Labour and Rehabilitation in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(272)/83-D.III.A. dated, the 4th February, 1984.

SCHEDULE

"Whether the action of the management in not allowing the 15 Miners listed in the Annexure below of Phularitand Colliery of Messrs. Bharat Coking Coal Limited, to resume duty, without taking any disciplinary action for their alleged misconduct, is justified? If not, to what relief are these workmen entitled?"

ANNEXURE

1. Manshu Manjhi.
2. Hitu Rewani.
3. Ruplal Rajak.
4. Ratan Mahato.
5. Sri Ananta Mahato.
6. Sri Monesh Gope.
7. Sri Hiralal Mahato.
8. Sri Mathur Mahato.
9. Sri Hark Ray.
10. Sri Openda Gope.
11. Sri Fagu Mahato.
12. Sri Bhusan Mahato.
13. Sri Dasrath Manjhi.
14. Sri Hopna Manjhi.
15. Sri Rito Rewani.

2. The concerned workmen as per annexure to the reference are demanding their reinstatement with full back wages.

3. The concerned workmen and the management filed their separate W.S. On behalf of the workmen it was contended that they are permanent miner/loader of New Bansiora section of Phularitand Colliery. They all were transferred to Madhuband Colliery as per decision dt. 28-6-72 of the man-

agement of Phularitand Colliery and they were further directed to report for duty with effect from 1-7-72. It was also stated that individual transfer order was also issued on 1-7-72.

4. The concerned workmen in pursuance of the aforesaid transfer order visited Madhuband Colliery where they were informed that they will have to be engaged in Gurkia Khad. It was stated further that the working conditions of Madhuband Colliery were quite inhumane and therefore the concerned workmen refused to report for duty and they reported back at Phularitand Colliery. However, the management of Phularitand Colliery neither allowed them to resume their duty nor initiated any disciplinary proceeding for disobeying the transfer order. The union has to state that the aforesaid transfer order was illegal arbitrary and against the provisions of the standing orders. In the circumstances it was stated that the action of the management in not allowing them duty at Phularitand Colliery was illegal and arbitrary.

5. The concerned workmen and their union represented before the management but it was no use. The management assured the union every time for amicable settlement. The workmen awaited for a long time but seeing abnormal delay the union was not left any other alternative but to raise the industrial dispute which ended in failure due to adamant attitude of the management. It has been prayed that they be reinstated with full back wages.

6. The management on the other hand has refuted the entire claim of the concerned workmen stating that the reference is vague and the materials details concerning the concerned were not given. Their father's name, Form B No., identity card No. home address etc. have not been furnished and hence the reference is speculative. The management wanted to say that the union intended to induct strangers through litigation and impersonation. There is no mention of the date from which they were not allowed to resume their duties and thus everything was vague and it was a case of gambling in litigation.

7. It was submitted that the genuine workmen who were transferred in the year 1972 were released from Phularitand Colliery and they joined their duty at Madhuband Colliery and they are still working there. The present story as submitted by union was based on concoction as the case has been initiated with some ulterior motive. It was incorrect to suggest that the working condition at Madhuband Colliery was inhumane. The Mines Act and the regulations were applicable in all the coal mines and the workmen were working in all the coal mines without any complaints. It was also incorrect to suggest that the concerned workmen ever reported back to Phularitand Colliery and they demanded resumption of their duties. Raising legal points it was contended that the dispute was raised after a lapse of about 12 years and so the reference was very stale and not maintainable under the law. It was thus prayed that the concerned workmen are not entitled to any relief.

8. The question for consideration is as to whether the concerned workmen are entitled for reinstatement with full back wages.

9. The main contention of the concerned workmen was that they were transferred to Madhuband Colliery from Phularitand Colliery as per order dt. 28-6-72 and they were directed to join by 1-7-72. They visited Madhuband Colliery but after having seen the working conditions very inhumane they refused to report for duty at Madhuband Colliery. Again they reported back to Phularitand Colliery for duty but the management did not allow them to resume their duty nor any disciplinary action for disobeying the order was taken.

10. The management claim that only the genuine workmen were transferred to Madhuband Colliery and as regards the concerned workmen it was stated that they were strangers and they went to get the job in the company through litigation and impersonation. As regards the status of the concerned workmen we may have a look at Ext. M-1 which is the Form B Register of Phularitand Colliery. The names of the concerned workmen can be found therein. In the circumstances it will be improper to suggest that they were strangers.

11. Admittedly, individual transfer order was issued to the concerned workmen on 1-7-72. They contended that the working condition of Madhuband Colliery was inhumane and

they refused to join there. The question is that the working of the mines are regulated as per Mines Act and the rules made thereunder. It is the primary function of the Mines Inspector to see and look after the healthy working condition of every mine. It is to be noted that no workman has been examined to say that the working conditions in Madhuband colliery was inhumane. It may be mentioned that some other workmen who were transferred to Madhuband colliery along with the concerned workmen joined their duty and they are all working there.

12. The question is whether the concerned workmen ever complained to the management about the inhumane working condition at Madhuband colliery. No specific date has been made as to when any such complaint was made. There is no document to support this assertion of the workmen. In the W. S. it is stated that the concerned workmen and their union had represented before the management repeatedly for allowing them to resume duty at Phularitand colliery. It is their case that the management assured them every time but we find that no copy of any such representation has been placed before this Court to appreciate the contention of the concerned workmen. In this respect reference can be very well made to the evidence of MW-2 and MW-3.

13. MW-2 Shri D. N. Jha was Dy. P. M. in Phularitand colliery in the year 1971. He stated that so long he was there he did not receive any complaint from any of the transferred workmen regarding unsuitability of working condition at Madhuband colliery. Similarly MW-3 Shri P. K. Roy was also a Dy. P.M. at Madhuband colliery from 1972 to 1974. He stated that there was no complaint by any of the concerned workmen about any difficulty at Madhuband colliery. In cross-examination nothing has been elucidated to disbelieve such statement of the witness. In short we have no evidence either oral or documentary to suggest that the working condition at Madhuband colliery was inhumane and not satisfactory.

14. Again it was stated that the concerned workmen had reported back to Phularitand colliery but we have no paper to support this fact. No date has been mentioned as to when they reported back to Phularitand colliery. Shri K. P. Rewani, MW-1 is a clerk. He stated to have looked into the files of Madhuband and Phularitand colliery to search out any protest letter protesting their transfer from New Bansjora section of Madhuband colliery. He did not find any letter of the concerned workmen demanding work at Phularitand colliery. The witness namely MW-2 explained that Phularitand colliery, New Bansjora and Madhuband colliery were taken over by the Central Govt. as coking coal mines. New Bansjora colliery after take over became a part of Phularitand colliery. In this way we find that there is no paper to support the action of the concerned workmen. It is very peculiar that no workman has been examined to support their claims and the stand taken by them and in the circumstances there can be the only presumption that the concerned workmen stopped suo moto and left the work.

15. In the W.S. a point has been raised that the management did not take any action when the concerned workmen committed misconduct in not obeying the order of the management and keeping absent without any authority. The question was that the concerned workmen as per contention of the management were released from Phularitand colliery to join Madhuband colliery. The concerned workmen according to their own saying had gone to join Madhuband colliery and this will be suggestive of the fact that necessary release order must have been passed. After release the management of Phularitand colliery can have no knowledge about the whereabouts of the concerned workmen unless reported by the management of Madhuband colliery. But the most unfortunate aspect of the matter was that the concerned workmen did not report for duty at Madhuband colliery also. Naturally the management of Madhuband colliery also could have no knowledge about the whereabouts of the concerned workmen. As stated earlier there was no paper to show that the concerned workmen ever reported back to Phularitand colliery for duty. In nutshell it can be said that the concerned workmen were themselves responsible for their unwarranted behaviour. Since the management of Phularitand colliery had no knowledge and so no action could have been taken for the alleged misconduct.

16. The transfer was made in the year 1972 but the dispute was raised completely after 10 years. We have no document to support the contention of the union that it has always been representing the case of the concerned workmen of their reinstatement. This means the dispute was raised after about 10 years without any reasonable explanation and hence the reference can be held to be stale.

17. I have considered various aspects of the matter and I am to hold that the action of the management in not allowing the miners listed in the annexure of the Phulaur colliery of M/s. B.C.C.L. to resume duty without taking any disciplinary action for the alleged misconduct was justified and consequently the concerned workmen are entitled to no relief.

This is my Award.

B. RAM, Presiding Officer

नई दिल्ली, 19 अगस्त, 1993

काया, 1920—औद्योगिक विवाद प्रवर्धन 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, पेट्रोल कोलफील्ड लिमि. की एरा कोलियरी, के प्रबंधन के संबंध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), प्रस्ताव के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-93 को प्राप्त हुआ था।

[सं. एन-24012/113/86-डी-4 (बी) आईआर (लेन-I)]

एच. सी. गौर, डेस्क अधिकारी

New Delhi, the 19th August, 1993

S.O. 1920.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Arra Colliery & C.C.L. and their workmen which was received by the Central Government on 17-8-93.

[No. L-24012/113/85 DIV(B)/IR(C-I)]

H. C. GOUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 89 of 1987

PARTIES :

Employers in relation to the management of Arra Colliery of Central Coalfields Limited, P.O. Arra, Dist. Hazaribagh and their workmen.

APPEARANCES :

On behalf of the workmen : Shri J. P. Singh, Advocate.

On behalf of the employers : Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRIAL : Coal.

Dated, Dhanbad, the 9th August, 1993

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/113/86-D.IV (B) dated, the 19th February, 1987.

1926 GI/93—6

SCHEDULE

"Whether the action of the Management by not sending Shri Chuni Seth before the Age Committee for determination of his correct age, appointed by the management for 136 employees and retiring him prematurely on 5-4-86 is legal and justified? If not, to what relief the workman concerned is entitled?"

2. In this reference the action of the management has been challenged in not sending Shri Chuni Seth the concerned workman before the age assessment committee for the determination of his age and also retiring him prematurely on 5-4-86. The workman has stated by filling W. S. that he was working Arra colliery for a pretty long time since before nationalisation of coal industry. Record of the age maintained by the private management in Form B Register was used to be maintained arbitrarily without norms and procedure. Similarly year of birth of the concerned workman was recorded inadvertently as 1926 in Form B Register although his real year of birth was 1936, and the concerned workman could not detect it because he was an illiterate fellow. He simply put his LTI without knowing that such error has been committed by the dealing clerk. However, this could be brought to the knowledge of the concerned workman when a notice of retirement was served upon him stating therein that he was to retire on 5-4-86 on the basis of the entry made in Form B Register. The concerned workman and his union namely RCMS represented the management for necessary rectification of the age of the concerned workman in Form B Register but his prayer remained unanswered. The management through a letter dt. 2-6-1986 issued a notice in respect of 111 employees to appear before the age committee for rectification of their age and out of them the age of 76 workmen were rectified. But the case of the concerned workman could not be referred to the Medical Board for the reasons best known to the management. On these grounds it was prayed that the management be directed to get the workman examined by the medical board for determination of his age and to allow his reinstatement.

3. The management on the other hand has refuted the entire claim of the concerned workman. It was submitted that Arra colliery was one of the non-coking coal mines nationalised under the Coal Mines Nationalisation Act with effect from 1-5-1973. The concerned workman was working as coal loader and his date of first appointment was shown as 8-4-1973.

4. The erstwhile NCDC had a system of maintaining service sheet register for the employees in which every details of the employees were entered on the service registers. Many other details, date of birth of the concerned workman was also entered and the signature/LTI were taken and duly witnessed by the clerk concerned and attested by the officer of the colliery. It was submitted through the W.S. that in the present case the concerned workman admitted his date of birth as 5-4-26 and affixed his LTI on the first page of the service register in presence of the clerk concerned and the entries were duly attested by the Colliery Manager of Arra colliery. It is further submitted that the concerned workman declared his age for the purpose of C.M.P.F. which was 5-4-1926 and the form bears his LTI. In this way in every document of the management the year of birth of the concerned workman was recorded as 5-4-1926 and only at the age and of the service career the concerned workman raised this dispute which was not at all tenable. On these grounds it was contended that the concerned workman has got no case and the Award be passed accordingly.

5. The point for consideration would be as to whether the case of the concerned workman is a good case for reference to the age assessment committee for the determination of his age.

From the pleadings of the parties we find that there is a rival contention concerning entry of real age in various documents. The main contention of the concerned workman was that he was made to retire prematurely on 5-4-86 before attaining the age of 60 years. It was contended that the year of birth was inadvertently recorded as 1926 instead of 1936 in Form B Register which could not be detected for the simple reason that the concerned workman happened to be an illiterate man. The learned counsel for the concerned workman while making reference to Ext. W-7 stated that the management of Arra colliery has failed to maintain the

Official record properly in respect of the age of its employees and as a result whereof the case of 111 employees was referred to the medical board vide office order dt. 27-8-83. Those cases were examined by the Medical Board and serious discrepancies were found. Ext. W-8 is a letter dt. 2-6-86 showing that the age assessment committee had examined the cases of 111 employees. The letter contains enclosure of such workmen who were medically examined concerning their cases. It was contended that the concerned workman was most unfortunate employee whose case was not referred for the reasons best known to the management. However, the learned counsel for the management contended that there was no discrepancy in the official records with regards to the concerned workman. In Form B Register and service sheet the year of birth has been recorded as 1926 and since there was nothing like any discrepancy or inconsistency in different record of the management the case of the concerned workman needed no reference to the committee. It was pointed out under Ext. W-8 which has been clearly noted that the committee had assessed the age of those workers only whose age was not mentioned in the service sheet. As regards the concerned workman it has been noted in Form B Register as also in the service sheet and the afore it was not at all a fit case for reference to the age assessment committee.

7. The learned counsel in its continued argument submitted that Shri Chuni Seth the concerned workman had put his LTI in Form B Register after having understood the age shown to be correct. Again in the service sheet he had put his LTI in presence of a witness and that signifies that he had admitted the age as recorded in the service sheet. The learned counsel also referred to Ext. W-2 which enclosed implementation Instruction No. 37 dt. 5-2-81. Clause B sub-clause 1.(a) provides as follows :—

“Wherever there is no variation in records, such cases will not be reopened unless there is a very glaring and apparent wrong entry brought to the notice of the management. The management after being satisfied on the merits of the case will take appropriate action for correction through age determination committee/Medical Board.”

It was submitted that since there was no variation in the record the case of the concerned workman could not have been reopened and apart from that the concerned workman raised this objection only at the fag end of his service career which has always been deprecated by the Hon'ble Court.

8. In order to appreciate the issue in question first of all let us examine the evidence of Shri Michael Vengra working as Clerk Gr. II in Arra colliery. He has proved Form A relating to CMPF. This is a declaration form filled up by on or behalf of the concerned workman at the time he is enrolled as member of the C.M.P.F. He has also proved service sheet which is Ext. M-2. In both the document the year of birth of the concerned workman has been noted as 1926. The witness stated that in the service sheet (M-2) the entries in Col. I to VI has been filled up by him. But the col. relating to age and mark of identification was filled up by Shri M. N. Mahato. He had signed Ext. W-2 as witness. The witness further stated that the entries made in the service-sheet were read over and explained to the concerned workman and he had put his LTI after having found the entries to be correctly recorded. I find that there was nothing like any certificate given at the foot of the register to show that actually those entries were read over and explained to the concerned workman. Admittedly, Shri M. N. Mahato has not been examined although he is still in service. The witness lastly stated that the date of birth under Ext. M-2 was recorded on the basis of entry made in Ext. M-1. In chief examination the witness stated that the particulars filled in by me under Ext. M-2 were taken from the Form B Register, but in cross-examination he faltered and made contradictory statement stating that Form B Register was prepared subsequent to Ext. M-2. He stated in clear terms that Form B Register was prepared in the year 1986. He rather made it more clear that since Form B Register was prepared subsequent to Ext. M-2 it was not consulted in recording the age of the concerned workman. So I find that the witness has contradicted his own statement.

9. Now from the evidence of MW-1 it is made clear that Ext. M-1 was the anchor sheet of the management wherein the date of birth of the concerned workman has been recorded as 5-4-1926. He was appointed on 8-4-73 as mentioned in Ext. M-2. This means he was appointed at the age of 47 years as coal loader. Prima facie this does not sound convincing. There can be hardly any reason in giving employment to a man aged by 47 years and that too for the job of coal loader. The job of coal loader is a bit hard manual work and the management will go insane before giving employment to such an old man in the colliery. This has got tendency to suggest that he was not aged 47 years and meaning thereby that this date of birth was not faithfully recorded at the time of his appointment. This fact can further be proved from the last entry of Ext. M-1. We find that the concerned workman had made Bidu Seth his wife a nominee against P.F. amount. This document was prepared on 7-11-74 when the age of Bidu Seth was recorded as 28 years. Certainly the concerned workman had reached the age of 48 years when this document was prepared. The disparity in the age between the husband and wife was so alarming that one could have hardly believed their relationship as husband and wife but the truth was that Bidu Seth was his wife. 10 years difference in age between the husband and his wife could be believed and tolerated but the difference of 20 years was really inconceivable. This is another circumstance to show that the concerned workman was not born in the year 1926 and that his date of birth was definitely not recorded very faithfully by the dealing clerk. These two circumstances are very speaking of the fact that the dealing clerk noted the date of birth in haphazard manner.

10. The concerned workman WW-1 has stated that he was an illiterate person and he had put his LTI on the statutory register but he was never asked about his age. I find that the plea of illiteracy cannot be made a ground for wrong entry has always been pleaded by the concerned workman as stated above. There are two un rebuttable circumstances in favour of the concerned workman which definitely go to prove that the year of birth was not 1926. WW-2 is the union leader who had raised the dispute. He has proved certain document which have already been dealt with.

11. I have examined various aspect of the matter. No doubt there does not exist any variation in different document of the management in so far recording of age of the concerned workman was concerned but the circumstances as discussed above are so speaking that it goes directly against the management and no other inference can be drawn save and except that the age of the concerned workman at the time of his appointment was not faithfully recorded. In such view of the matter this appears to be a good case which should be referred to the age assessment committee/medical board for determination of the age of the concerned workman. The management is thus directed accordingly to get the age of the concerned workman ascertained by the medical board and to proceed in accordance with the procedure within 2 months from the date of publication of this award.

B. RAM, Presiding Officer

नई दिल्ली, 16 अगस्त, 1993

का.शा. 1921 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. एलिसबो पैरिरिया एण्ड सन्स के प्रबन्धतंत्र के संबंध निोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बम्बई संख्या 1 के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-8-93 को प्राप्त हुआ था।

[सं. एल-36012/1/90—आई.आर. (विविध)]

बी.एम. डेविड, डीस्क अधिकारी

New Delhi, the 16th August, 1993

S.O. 1921.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bombay, No. 1 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Elesbao Pereira and Sons and their workmen, which was received by the Central Government on 13-8-93.

[No. L-36012/1/90-IR(Mis.)]
B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar
Presiding Officer

Reference No. CGIT-1/35 of 1990

PARTIES :

The Employers in relation to the Management of M/s. Elesbao Pereira and Sons, Vasco-da-Gama, Goa.

AND

Their Workmen

APPEARANCES :

For the Employer.—Shri P. N. Salgaonkar Advocate.
For the Workmen.—Shri B. S. Bosle Representative.

INDUSTRY : Port & Dock.

STATE : Goa.

Goa, dated the 26th day of July, 1993

(dictated in the open court during the camp court sitting at Goa, from 26th July 1993 to 30th July, 1993).

AWARD

This arises out of the reference made by the Government of India, Ministry of Labour, New Delhi by order dated 18-5-1990. The reference is to the following effect.

“Whether the action of the Management of M/s. Elesbao Pereira & Sons, Vasco-da-Gama, Goa in dismissing the services of Shri Shantaram V. Paradkar, Tally Clerk w.e.f. 21-12-1989 is justified. If not, to what relief the said workman is entitled?”

On behalf of the workman statement of claim has been filed, and written statement to it has also been filed by the employer.

It appears that it is not necessary to deal with the reference, in view of the dispute being settled between the parties to the dispute, and the memorandum of settlement dated 8-10-1991 has been filed and both the counsel have lent their signatures.

In view of the settlement arrived at between the parties, there is no dispute now survives. Award accordingly

R. S. SINDHAKAR, Presiding Officer

नई दिल्ली, 17 अगस्त, 1993

का. मा. 1922—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में बिमरा स्टोन लाइन कम्पनी लिमिटेड के प्रबन्धन के संबंध के नियोजकों और उनके कर्मचारियों के बीच अन्तर्गत में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण उड़ीसा (भुवनेश्वर) के पंचवट को प्रकाशित करती है।

[संख्या एल--42025/1/93-माई आर (विविध)]
बी. एम. डेविड, डेस्क अधिकारी

New Delhi, the 17th August, 1993

S.O. 1922.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Orissa, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Bisra Stone Lime Co. Ltd. and their workmen,

[No. L-42025/1/93-IR (M.c.)]
B. M. DAVID, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR
PRESENT :

Sri R. K. Dash, LL.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Misc. Case No. 15 of 1985 (33-A)
(Central)

Bhubaneswar, the 15th March, 1993

BETWEEN

Sri Junas Kulla, A/Dept. 117-6, P.F. No. 03470 and 435 others employed in Limestone and Dolomite Quarry of M/s. Bisra Stone Lime Co. Ltd. at Biramitrapur, C/o Gangpur Labour Union, P.O. Biramitrapur, Dist. Sundergarh represented through Sri K. Patnaik, Joint Secretary of Gangpur Labour Union, Biramitrapur—Complainants-workmen.

AND

M/s. Bisra Stone Lime Co. Ltd., P.O. Biramitrapur, Dist. Sundergarh, Orissa—Opposite Party-management.

APPEARANCES :

Sri K. N. Patnaik, Secretary of Gangpur Labour Union—
For Complainants-workmen.

Sri M. C. Naik, Dy. General Manager—For the O.P.—
management.

AWARD

This case was posted to 2-2-93 for recording settlement.

On that day both the parties filed a memorandum of settlement and prayed to pass an Award in terms of the said settlement. The terms of settlement were read over and explained to the parties to which they admitted to be true and correct. They also submitted that they have settled the dispute out of court in the interest of industrial peace and harmony. The settlement being fair is accepted. Hence, I pass this Award in terms of the settlement which do form part of the Award.

Dictated and corrected by me.

R. K. DASH, Presiding Officer

FORM 'H'

(See Rule 58)

Form for memorandum of Settlement.

Memorandum of Settlement arrived at before the Presiding Officer, Industrial Tribunal Orissa, Bhubaneswar on 15th January 1993 over the dispute between the Management of Bisra Stone Lime Co. Ltd., Biramitrapur and their workmen represented by Gangpur Labour Union, Biramitrapur.

Name of the Parties :

On behalf of the employer :

1. M. C. Naik, D.G.M. (P)
Bisra Stone Lime Co. Ltd.,
Biramitrapur

2. K. Mukherjee, D.G.M. (M)
Bisra Stone Lime Co. Ltd.,
Biramitrapur.

On behalf of the workmen,
represented through Gangpur
Labour Union (INTUC) :

1. K. N. Pathak,
Secretary,
Gangpur Labour Union (INTUC),
Birmitrapur
2. B. Panigrahi,
Treasurer, Gangpur Labour,
Union, Birmitrapur.

SHORT RECITAL OF THE CASE

The Secretary, Gangpur Labour Union had raised an Industrial Dispute for change in service condition under Section 9(A) of the Industrial Dispute Act, 1947 by Bisra Stone Lime Co. Ltd. which was registered as an I. D. Case No. 5/84 under the following reference whether the contention of the workmen of M/s. Bisra Stone Lime Co. Ltd. P.O. Birmitrapur, Dist. Sundergarh (Orissa) represented by the Gangpur Labour Union (INTUC) that the notice of change dated the 10th February, 1984 given under Section 9(A) of the I.D. Act 1947 by the management of M/s. Bisra Stone Lime Co. Ltd. is against the interest of workmen as their wages will get reduced is valid and justified and if so to what relief are the workmen concerned entitled and from what date.

Meanwhile the management of M/s. Bisra Stone Lime Co. Ltd. Birmitrapur issued a notice vide circular No. J.4 (Pr.)/4137 and J.4 (Pr.)/4138 and No. 4137 dated 13-7-1984 effective from 16-7-1984 to a new rates of wages linking it to the new threshold Q.M.S. Sri Jinas Kullu and 435 others being aggrieved by changes in service conditions and increase in work-load, filed a complaint before the Hon'ble Presiding Officer, Industrial Tribunal, Bhubaneswar on 12-8-1985 under Section 33-A of the Industrial Dispute Act 1947. The case was registered as Misc. Case No. 15/85(C). Both the cases simultaneously were being heard. The Hon'ble Industrial Tribunal passed an 'No dispute award' in main case No. 5/84 on 21-3-1987 but observed that :

"I have pursued the case record of I. D. Case No. 15/85 that is a proceeding under Section 33-A of the I.D. Act in which the complainants have been made about the violation of the service condition during the pendency of proceeding. The proceeding therefore can not be closed on passing of No dispute award in this case. It is accorded proceeding on its own merits."

On 6-6-1988, the Industrial Tribunal passed an award in Misc. Case No. 15/85 as under :—

"Considering all facts and circumstances appearing in the case, I have no hesitation to hold that the proceedings U/s 33-A has become infructuous since after the 'No dispute award' was passed in the main reference (I. D. Case No. 5/84-C) and its continuation thereafter is therefore, illegal. In the circumstances, I would reject the application as being infructuous. The award is passed accordingly."

The workman represented by Gangpur Labour Union preferred a writ petition before the Hon'ble High Court of Orissa, challenging the decision of the Industrial Tribunal, Bhubaneswar vide OJC No. 2498/88.

The learned Judges of High Court, Cuttack were pleased to refer the dispute before the Industrial Tribunal, Bhubaneswar for adjudication as under :—

"In that view of the matter, the writ petition is allowed, the award passed by the Tribunal in Annexure 2 is set aside and the matter is remitted to the Tribunal for fresh adjudication. The parties may bring to the notice of the Tribunal the settlement reached between them as Annexure A/2 and in deciding the proceeding, the Tribunal shall take due notice of the same and dispose of the proceeding in accordance with law".

Meanwhile during the pendency of the case before the Industrial Tribunal and the Hon'ble High Court, about 80% of workers of total work-force under the Bisra Stone Lime Co. Ltd. got stagnated into their grades and thereby losing

annual increments as no fresh and comprehensive wage revision was possible during the pendency of the case, thereby losing financially. On the other hand the management of Bisra Stone Lime Co. Ltd. was not getting sufficient order to supply raw materials to different steel plants due to lack of agreed norms for size and quality of Limestone and Dolomite raised by the workers. This was adversely affected the working of the mines.

During the courses of time both the management of Bisra Stone Lime Co. Ltd., and Gangpur Labour Union (INTUC) reviewed the impending danger and confronting the Company and the workmen in view of the gradual decline of Sale of its finished product entered into certain bi-lateral agreement and tripartite settlement in the common of the workmen and the Company.

Keeping all these facts and circumstances in view and ensure viability of the Company and to safe-guard the interest of the workers, and to maintain harmonious industrial relation, the parties agreed to the following terms :—

TERMS OF SETTLEMENT

It is agreed that :

(1) The dispute pending before Industrial Tribunal in I. D. Case No. 15/85 (CC) be closed.

(2) It is agreed that the following agreement/settlements signed by the parties as annexure A, B, C and D will form a part of the award.

Annexure—A Bi-partite agreement dated 11-3-1988.

Annexure—B Tripartite settlement dated 25-4-1989

Annexure—C Tripartite settlement dated 24-4-1990

Annexure—D Bipartite agreement dated 15-10-1990.

For and on behalf of
the management of B.S.L. Co.
Limited :

Shri K. Mukherjee,
Dy. G.M. (M)
Shri M. C. Naik,
Dy. General Manager (P)

For, and on behalf of the
workmen represented by
Gangpur Labour Union (INTUC) :

Sri K. N. Pathak,
Secretary,
Sri B. Panigrahi,
Treasurer.

ANNEXURE—A

Minutes of discussions with the representatives of The Gangpur Labour Union, held on 11th March, 1988 in General Office at 4.00 P.M.

PRESENT :

Management representatives :

1. Sri D. K. Bose, Executive Director
2. Sri C. B. B. Raju, General Manager (Mining)
3. Sri M. C. Naik, C.P.M.
4. Sri K. Mukherjee, Supdt. (Mining)
5. Sri A. C. Palani, Supdt. (Mining)
6. Shri B. K. Mangaraj, Manager K/West Mine
7. Sri S. K. Patnaik, S.P.M.

Union representatives :

1. Shri S. Behere, Vice President
2. Shri H. Haripal, Vice President
3. Sri K. N. Pathak, Secretary
4. Sri Z. Kindo, Asst. Secretary
5. Sri M. D. Kar, Asst. Secretary
6. Sri G. Barik, Asst. Secretary
7. Sri B. C. Swaha, Org. Secretary
8. Sri Jinas Khess Org. Secretary
9. Sri B. Panigrahi, Treasurer.

At the outset, the Executive Director mentioned that there has been discussion with representatives of Gangpur Labour Union before, regarding the breaking of 2" Limestone in view of Durgapur Steel Plant's requirement. DSP has categorically mentioned that they will be taking 2" Limestone from B.S.L. Co. Ltd., Birmitrapur Mines, upto 3,60,000 MT. in a year. The Management had no option but to give commitment to Durgapur Steel Plant to fulfil their requirement as otherwise the Company will have to lose this market. He, however, mentioned that threshold OMS has been fixed in respect of 3" Limestone and 3" and 5" and 10" boulder Dolomite before and no OMS has been fixed for breaking 2" Limestone or Limestone boulder mining.

The Union representative, Shri K. N. Pathak, mentioned that the management has been carrying on breaking of 2" Limestone on Pay-hazri basis and this is a direct loss to the Company for the production and productivity and the workers in general. He further mentioned that reject stone and spoil is accumulating in the quarry and for removal of such items no OMS has been fixed.

After a good deal of discussion, it was agreed that 0.70 threshold O.M.S. will be for breaking 2" Limestone as per Durgapur Steel Plant's specification, both in size and quality.

There was further discussion regarding Limestone boulder mining of 10" size. After having good deal of discussion, it was agreed to fix 3.5 as O.M.S. for 10" size Limestone good-stone boulder mining initially for a period of three months and thereafter, this will be further reviewed.

The fixation of above O.M.S. for 2" Limestone and 10" Limestone boulders is without prejudice to the contentions of both the parties concerned in reference to I. D. case No. 5 of 84(C) and I. D. Misc. case 15 of 85(C) pending before the Industrial Tribunal Bhubaneswar.

For breaking of 2" Limestone, the Union suggested that the groups should be reduced to 30 to 35 workers. The Management mentioned that formation of smaller groups is not possible to this extent. After having a great deal of discussions, however, in view of the fact to maintain quantity, quality and size of the stone and increased involvement of the workers, it was agreed that the existing groups should be rationalised consisting of 50 to 70 heads.

The Union has also requested that the Management should pay adequate attention regarding drilling, blasting and regular quarry development. Otherwise it will be very difficult to produce 2" Limestone for Durgapur Steel Plant. Management agreed to provide adequate drilling and blasting.

As regards the other contentions of the Union, since this forms a part of development work, there will be further discussion with the Union for removal of spoil and reject stone.

Management Representative :

- (D. K. Bose)
- (C. B. Raju)
- (S. K. Patnaik)
- (B. K. Managaj)
- (M. C. Naik)
- (K. Mukherjee)
- (A. C. Palai)

Birmitrapur

Dated : 11th March, 1988.

Union Representatives :

- (1) (Hiralal Haripal)
- (2) (K. N. Pathak)
- (3) (Z. Kindo)
- (4) (Gourango Barik)
- (5) (B. C. Swain)
- (6) (B. Panigrahi)
- (7) (Sanatran Behera)
- (8) (M. D. Kar)
- (9) (Junas Khosa)

ANNEXURE-B

MEMORANDUM OF SETTLEMENT ARRIVED AT BETWEEN THE MANAGEMENT OF MESSRS BISRA STONE LIME COMPANY LIMITED, BIRMITRAPUR AND THEIR WORKMEN REPRESENTED BY GANGPUR LABOUR UNION, BIRMITRAPUR OVER THE CHARTER OF DEMANDS ON 25-4-1989

Name of the Parties :

Representing Management :

Shri D. K. Bose,
Executive Director,
Bisra Stone Lime Co. Ltd.
Birmitrapur.

Shri M. C. Naik
Dy. General Manager (Personnel)
Bisra Stone Lime Co. Ltd.,
Birmitrapur.

Representing Workmen :

Shri Hiralal Haripal
Vice President, Gangpur Labour Union,
Birmitrapur.

Shri K. N. Pathak, Secretary,
Gangpur Labour Union,
Birmitrapur.

Shri Z. Kindo, Asst. Secretary,
Gangpur Labour Union,
Birmitrapur.

Shri Rajmani Pathak, Worker,
B.S.L. Co. Ltd., Birmitrapur.

Shri K. K. Mishra, Worker,
B.S.L. Co. Ltd., Birmitrapur.

SHORT RECITAL OF THE CASE

The Secretary, Gangpur Labour Union, Birmitrapur had raised certain demands relating to revision of wages and V.D.A., L.T.C., Free Medical treatment to all dependants of the workmen at the Company's hospital and outside if necessary, Conversion of housing latrine in sanitary latrine in the Labour Colony etc. as per the Charter of Demands dated 17-4-1989.

The demands were discussed jointly with the parties at Rourkela on 18-4-1989. The management explained that negotiations over the issues has been going on with the union for sometimes past while the union ascertained that the last wage agreement of 1980 expired in 1983 and 80% of the employees have been stagnated in their Grades/Scale of pay and the management have not considered to revise the wage rates/grades. The management explained that the Company is going through a financial crisis due to shrinkage in the demand for their products; they are, however, sympathetic to this demand of the workmen and offered to further negotiate with the union bilaterally over the matter with a view to revise the scales of pay/grade by merging the portion of VDA upto 435 points of Index figure (1960=100) so that the minimum basic wage can be brought to Rs. 30 which will be linked with O.M.S. for piece-rated employees, as on 1-1-1989 and that this negotiation would be completed as early as possible. The union, therefore, does not press this demand for the present.

Further discussions were held on 24th and 25th April, 1989 at Bhubaneswar on the remaining demands. Regarding Demand No. 2 relating to V.D.A. at enhanced rate, the management explained their inability on the ground of financial crisis to revise the rate of V.D.A. at present but agreed to review the matter in due course. The union, therefore, did not press this demand as well. The parties also agree to formulate a suitable Benevolent Fund Scheme.

The parties agree to settle the instant dispute on the following terms :

TERMS OF SETTLEMENT

(1) The management agree to grant one increment to all employees (including piece-rated, daily-rated employees) who have not been granted any increment for the year 1989 w.e.f. 1st January, 1989.

(2) The Management agree to give a Welfare Allowance @ Rs. 200 per annum to each of the permanent employees as on 30th September, 1989 w.e.f. 1st October, 1989.

(3) The management agree to extend free medical treatment to the spouse, sons and unmarried daughters upto the age of 21 years in their Birmitrapur hospital and in the Ispat General Hospital, Rourkela wherever necessary. Dependant parents and dependant brothers and sisters upto the age of 21 years will be allowed free medical treatment both as out-door and indoor patients at Company's hospital at Birmitrapur.

(4) It is agreed that the wage period of daily-rated and piece-rated workers will be changed from the week to calendar month, from a mutually agreed date.

The monthly rated employees will, however, be paid their wages on the 1st working day of the next month, effective from a date mutually agreed upon.

(5) The parties agree that this Settlement will be in force till 31st March, 1992 or till such further period as the parties may agree to extend this Settlement.

(6) The parties agree to submit the implementation report by 31st December, 1989, failing which it will be presumed that the Settlement has been implemented fully.

Representing management :

(D. K. Bose)
Executive Director,
B. S. L. Co. Ltd. Birmitrapur
(M. C. Naik)
Dy. General Manager (P)
B. S. L. Co. Ltd., Birmitrapur.

Representing workmen :

(Hiralal Haripal)
Vice President, G.L.U.
(K. N. Pathak)
Secretary, G.L.U.
(Z. Kindo)
Asst. Secretary, G.L.U.
(Rajmani Pathak)
Worker.
(K. K. Mishra)
Worker.

Witnesses :

1. (T. K. Sarkar)
2. (B. C. Swain)
3. (R. Singh)
4. (R. K. Mallick)
Bhubaneswar,
Dated : 25-4-1989.

Regional Labour Commissioner (Central),
Bhubaneswar.

ANNEXURE—C

FORM 'H'

(See Rule 58)

MEMORANDUM OF SETTLEMENT DATED 24-4-90
UNDER SUB-SECTION 3 OF SECTION 12 OF THE
INDUSTRIAL DISPUTE ACT 1947 ARRIVED AT IN
BETWEEN THE MANAGEMENT OF BISRA STONE
LIME COMPANY LIMITED AND THEIR WORKMEN
REPRESENTED BY GANGPUR LABOUR UNION OVER
THEIR CHARTER OF DEMAND DATED 12-12-1989

Representing Management :

Mr. M. N. Rao,
Executive Director,
Bisra Stone Lime Co. Ltd.
Mr. K. K. Sensarma,
General Manager, Finance and
Accounts, B.S.L. Co. Ltd.
Mr. K. Mukherjee, Dy. G.M. (M)
Bisra Stone Lime Co. Ltd.
Mr. A. C. Palai, Dy. G.M. (M) and
Agent, B.S.L. Co. Ltd.
Mr. S. K. Patnaik,
Dy. G.M. (Personnel),
Bisra Stone Lime Co. Ltd.
Mrs. I. Palai,
Manager, Personnel,
Bisra Stone Lime Co. Ltd.

Representing Workmen :

Mr. Dasarathi Nanda,
Vice President,
Gangpur Labour Union.
Mr. Hiralal Haripal,
Vice President, G.L.U.
Mr. K. N. Pathak, Secretary,
Gangpur Labour Union.
Mr. Z. Kindo, Asst. Secretary,
Gangpur Labour Union.
Mr. M. D. Kar, Asst. Secretary,
Gangpur Labour Union.
Mr. B. Panigrahi, Treasurer,
Gangpur Labour Union.
Mr. Rajmani Pathak,
Gangpur Labour Union.
Mr. K. K. Mishra,
Gangpur Labour Union.

Short Recital of the case

The Secretary, Gangpur Labour Union raised an Industrial Dispute vide their letter No. GLU/2/303 dated 12-12-1989 demanding :—

- (1) Revision of Grades/Pay Scales of all workmen :
- (2) Payment of V.D.A. rates of Rs. 1.65 in place of Rs. 1.30 per point rise or fall in AICPI for Industrial workers Base 1960=100 ;
- (3) Regular Payment of wages of all workmen on Scheduled days/dates ;
- (4) Implementation of clauses Part 1(2), Part 2(1), (2), (3) (iv) and (v) of the Tripartite Settlement dated 25-4-1989 ;
- (5) Issue of Safety devices/Safety equipments and protective clothings to workmen provided under statute/ various agreements with this union.

After several rounds of discussions, since the demands of the union could not be resolved amicably with the management the union approached the Assistant Labour Commissioner (Central), Rourkela for his intervention. The Assistant Labour Commissioner (C), Rourkela after preliminary discussion admitted the dispute in conciliation. The conciliation proceedings were held on 5-2-90, 16-3-90, 27-3-90 and finally on 24-4-1990. In course of discussion the demand No. 3, 4 and 5 were excluded from the purview of the Industrial dispute by the Conciliation Officer since legal remedies were available for demand No. 3 and 4 and demand No. 5 does not come under the jurisdiction of Asst. Labour Commissioner (Central), the same being administered by the Director of Mines Safety, Dhanbad.

Over Demand No. 2, the management of Bisra Stone Lime Co. Ltd., expressed their inability to concede due to acute financial crisis which the company has been facing at present. It was also further suggested by the management that the union may consider for dropping the same demand under the present financial crisis.

Regarding Demand No. 1, although the management admitted the genuineness of such a demand, further expressed their inability for revision of wages due to acute financial crisis arising out of low off-take of its products by the various Steel Plants and desired the union for deferring the same for some time.

During the conciliation proceedings the union submitted the revised scales of pay for 10 General categories and 5 Administrative categories with specific demand that the existing employees should be fitted in the said Revised scales of Pay and after fitment they should get one increment as per the Revised Scales of pay with effect from 1-1-90. The management representatives further expressed their inability to consider the above demand of the union also.

After protracted discussions and after considering the need to maintain existing high employees' morale, peaceful industrial relations and harmonious relations between the Union and management, the union agreed to drop the demand No. 2 for the time being, and with the aid and advice of the Assistant Labour Commissioner (Central), Rourkela, the Parties agreed to resolve the dispute over Demand No. 1 of the Charter of

Demand dated 12-12-89 fully and finally on the following terms :—

TERMS OF SETTLEMENT

(1) It is agreed to neutralise part of Variable Dearness allowance and merge the same with Basic Pay and Dearness allowance as follows :—

Index figure for April, 1989 to June, 89 (Payable for September 89 to November, 1989)	
Minus already-neutralised VDA points during 1980 Settlement	317
Present neutralised VDA in Basic and Fixed DA (i.e. 300 points in Basic and 215 points in Fixed DA)	530

For example, the constitution of salary/wages for existing employees in Category I will be as follows taking into account neutralised VDA :—

As on 30-11-89

Existing wages		Agreed wages	
Basic	Rs. 15/00	Basic	Rs. 30.00 (Rs. 15/(Old rate))
Increment	Rs. 3/30	+Rs. 15/- neutralised VDA)	
D.A.	Rs. 2/68	Increment	Rs. 3.30
V.D.A.	Rs. 25.75	Fixed D.A.	Rs. 13.43 (Rs. 2.68 old DA +Rs. 10.75 neutralised VDA)
		V.D.A.	Rs. 0.00
	Rs. 46.73		Rs. 46.73

As on 31-12-89

From 1-12-89 the V.D.A. payable on the basis of average cost of Living Index figure at 858 points for the period from July, 89 to September, 89, the constitution of wages/salary for existing employees in Category I will be as follows after neutralisation of VDA upto 832 points.

Increase in Cost of Living Index = $858 - 832 = 26$ points.
V.D.A. applicable will be $Rs. 0.05 P. \times 26 = Rs. 1.30 P.$ per day from 1-12-89 to 28-2-90

Existing Wages		Agreed Wages	
Basic [Rs. 15.00	Basic W	Rs. 30.00
Increment	Rs. 3.30	Increment	Rs. 3.30
D.A.	Rs. 2.68	DFixed D.A.	Rs. 13.43
V.D.A.	Rs. 27.05	V.D.A.	Rs. 1.30
	Rs. 46.03		Rs. 48.03

(2) The existing rate of $Rs. 0.05 P.$ per day and $Rs. 1.30 P.$ per month per point of increase or decrease in the average of All India Price Index for Industrial workers, will be applicable for payment of V.D.A. to the employees V.D.A. will be payable on the basis of quarterly average of the Cost of Living Index figures as follows :—

Cost of Living Index for preceding Qr. ending	Payable for subsequent Quarter
January, February, March	June, July, August
April, May, June	Sept., October, November
July, August, September	December, January, February
October, November, December	March, April, May.

For making adjustments in the quarterly average Index figures decimals below 0.5 will be ignored and decimals of 0.5 and above will be considered as full point.

(3) It is agreed that all the existing permanent employees of the company as on date on the rolls shall be fitted into respective Ten general categories and five administrative categories of workers in the Revised Scales of Pay/Grades which have been agreed to and shown in Appendix 'A' to this Settlement, forming a part of this Settlement.

(4) It is agreed that those who have not got any increment from 1-1-90 in the pre-revised scales (Old rate) will be granted one stagnation increment in the pre-revised scales of pay (old rate).

(5) (a) It is agreed that the existing Monthly-paid and Daily-rated (time-rated) employees who are in the rolls of the Company as on date will be fitted in the respective Revised Scales of Pay as in Appendix 'A' (i.e. Cat. II to Cat. III for Daily-rated-Monthly-paid employees and from Cat. IV to X in General categories and from Cat. I to V in Administrative categories for Monthly-paid employees) from 2-1-1990. The piece-rated workers (i.e. employees in Cat. I of Genral Category) will be fitted in the respective revised scales of Pay from 2-4-1990.

(b) It is agreed that Rs. 30 out of the Basic portion of wages for Piece-rated workmen in Category I shall be linked with Threshold O.M.S. as agreed to and shown in Appendix 'B' to this Settlement, effective from 30-4-1990, forming a part of this settlement.

(c) It is agreed to continue the practice of a categorisation of 5% in the O.M.S. level as stipulated in Annexure 'B' to this Settlement, will be allowed during the Rainy season.

(6) It is agreed that the Daily-rated-Monthly-paid including piece-rated workmen will be paid Fixed D.A. @ Rs. 13.43 per day and all Monthly-paid staff will be paid Fixed D.A. @ Rs. 349.18 per month.

(7) In consideration of the abolition of Gang Leader system, it is agreed that the existing Gang Leaders working in the mines as Piece-rated workers will be suitably placed in Category II to work in Quality Control, Sampling, Trammimg, Engineering and other departments depending on vacancies.

(8) The workmen promoted from lower category to higher category will continue to do the similar job of the lower category if required in addition to the extra responsibility, if any, in the higher category, as per practice.

(9) Accident wages for Daily-rated and Piece-rated workmen shall constitute their Basic and D.A. only. There will be no payment for Sundays and Holidays.

10(a) This Settlement will supersede the earlier Settlement dated 10-10-80 to the extent only in respect of the matters covered in this Settlement viz. Clause No. 1 to 11, 14, 15 and 17 of the above Settlement.

(b) This Settlement will also supersede all other earlier Settlements to the extent only in respect of matters covered in the Settlement.

(11) It is agreed that the Settlement will remain in operation for a period of 3 (three) years.

(12) Both the Management and the Union have agreed to report the implementation of this Settlement to the Assistant Labour Commissioner (Central), Rourkela by 30th April 1990 failing which it shall be presumed that the Settlement has been fully implemented.

Representing Employer :

(M. N. Rao)

Executive Director

(K. K. Sensarma)

General Manager (F&A)

(K. Mukherjee)

Dy. General Manager (M)

Dy. General Manager (M)
(S. K. Patnaik)
Dy. General Manager (P)
(L. Palai)
Manager, Personnel
Representing Workmen
(Dasarathi Nanda)
Vice President
(Hiralal Haripal)
Vice President
(K. N. Patnaik)
Secretary
(M. D. Kar)
Asst. Secretary
(Z. Kando)
Asst. Secretary
(Rajmani Pathak)
(K. K. Mishra)

Witnesses :

1. Sd/- Illegible
2. Sd/- Illegible
3. Sd/- Illegible
4. Sd/- Illegible

Sd/-

Asstt. Labour Commissioner (Central)
Rourkela

**APPENDIX 'A' TO CLAUSE 3 OF
THE SETTLEMENT Dt. _____**

**AGREED REVISED SCALES OF PAY/GRADES WITH
DESIGNATION OF WORKERS IN EACH GRADE**

PIECE-RATED WORKERS :

Category I

Rs. 30.00-0.45-34.50-0.70-41.50

- (a) All Piece-rated workers
(Miners and loaders).

DAILY-RATED-MONTHLY-PAID WORKERS :

Category II

Rs. 30.25-0.70-37.25-0.80-45.25

- (a) Sweeper (Both Male and Female).
- (b) Mali.
- (c) Helper (Operation)
- (d) Helper (Kitchen)
- (e) Ayah, Creche Ayah, Dai.
- (f) Trammers (The trammers will continue to work as before whenever required) misc.
- (g) Gang Mulia
- (h) Gang Reja
- (i) Samplers (All types) Mulia and Reja.
- (j) Quality Control Helpers

(For existing Piece-rated Gang Leaders)

Category III

Rs. 30.75-0.80-38.75-0.9-47.75

- (a) Cook-cum-Confectioner Gr. III
- (b) Blaster (Unqualified)/Explosive Carriers
- (c) Painter
- (d) Chainman
- (e) Helpers (Maintenance)
- (f) Hammerman
- (g) General Ward Attendant/Lab. Attendant.

MONTHLY-PAID EMPLOYEES

Category IV

Rs. 813-24-1053-26-1313

- (a) Painter (Letter Painting/Spray Painting)
- (b) Compressor/Pump Attendant/Operator
- (c) Jack Hammer Driller II (Below 10 Yrs. service)
- (d) Fillets (All types)
- (e) Cook-cum-Confectioner Gr. II

Category V

Rs. 830-28-1110-35-1460

- (a) Tradesman Gr. III
- (b) Light Motor Vehicle Driver Gr. II (To drive vehicles coming under L.M.V. specifications).
- (c) Mining Mate (Unqualified)/Mates/Munshias Gr. II (Mining, Blasting, Siding, Crusher, Gang)
- (d) Jack Hammer Driller Gr. I
- (e) Blaster
- (f) Cook-cum-Confectioner Gr. I

Category VI

Rs. 865-35-1215-40-1615

- (a) Light Motor Vehicle Driver Gr. I (To drive all L.M.V. coming under the L.M.V. specifications)
- (b) Blast Hole Drill Operator.
- (c) Lab. Grade II
- (d) Mining Mate (Unqualified)/Mates/Munshias (Mining, Blasting, Siding/Crusher/Lab) Gr. I

Category VII

Rs. 900-40-1300-45-1750

- (a) Dumper Operator Gr. II/H.M.V. Driver Gr. II (New Recruits)
- (b) Mining Mate Gr. II
- (c) Tradesman Gr. II
- (d) Asst. Draftsman (Civil)
- (e) Lab. Grade I
- (f) L.M.V. Driver Special Grade.

Category VIII

Rs. 930-45-1380-50-1880

- (a) Dumper Operator Gr. I/H.M.V. Driver Gr. I
- (b) Earth Moving Equipment (EME) Operator Gr. II to drive all types of Earth moving equipment coming under EME specifications).
- (c) Explosive Van Driver Gr. II
- (d) Tradesman Gr. I
- (e) Lab. Special Grade.
- (f) Mining Mate Gr. I
- (g) Supervisor (Quality) Works Gr. II (All types)

Category IX

Rs. 970-50-1470-55-2020

- (a) E.M.E. Operators Gr. I
- (b) Senior Mining Mates/Quarry Supervisor
- (c) Senior Dumper Operators/H.M.V. Driver
- (d) Explosive Van Operator
- (e) Chargehand/Workshop Foreman
- (f) Electrical Supervisor
- (g) Draftsman/Works Supervisor
- (h) Mines Foreman.
- (i) Supervisor (Quality/Works) Gr. I
- (j) Mechanical/Electrical Special.

Category X

Rs. 1090-55-1640-60-2240

- (a) Sr. Foreman (Mech./Electrical)
- (b) Surveyor
- (c) Senior Mines Foreman.
- (d) Assistant Chemist.
- (e) Senior Electrical Supervisor.

- (f) Senior Works Supervisor/Quarry Supervisor.
(Existing)
(g) Senior E.M.E. Operators.
(h) Senior Explosive Van Operator (Existing).

ADMINISTRATIVE AND GENERAL GRADES

MONTHLY-PAID-EMPLOYEES

Category I

Rs. 830-28-1110-35-1460

- (a) Dak Courier.
(b) Security Guards.
(c) Telephone Operator II
(d) Dressor Gr. II
(e) Anti-Malarialman/Pathological Attendant.

Category II

Rs. 865-35-1215-40-1615

- (a) Lance Naik
(b) Clerk/Typist III
(c) Dressor Gr. I
(d) Telephone Operator Gr. I
(e) Naik Gr. II

Category III

Rs. 900-40-1300-45-1750

- (a) Clerk Gr. III
(b) Clerk/Canteen Supervisor Gr. III
(c) Clerk/Typist III
(d) Auxilliary Nurse Gr. II
(e) Havildar Gr. II
(f) Naik Gr. I
(g) D.P. Asst. III/Data Entry Operator III

Category IV

Rs. 970-50-1470-55-2020

- (a) Hospital Technician
(b) Pharmacist Gr. II
(c) Clerk Gr. II
(d) Clerk/Canteen Supervisor Gr. II
(e) Clerk/Typist Gr. II
(f) Stenographer Gr. II
(g) Trained Creche I/c.
(h) Trained Nurse.
(i) Sanitary Inspector Gr. II
(j) Havildar Gr. I
(k) Auxilliary Nurse Gr. I
(l) D.P. Assistant/Data Entry Operator Gr. II

Category V

Rs. 1090-55-1640-60-2240

- (a) Hospital Technician (Senior)
(b) Head Clerk
(c) Clerk Grade I
(d) Clerk/Typist Gr. I
(e) Clerk/Canteen Supervisor Gr. I
(f) Stenographer Gr. I
(g) D.P. Assistant Gr. I/Data Entry Operator Gr. I
(h) Junior Console Operator.
(i) Staff Nurse.
(j) Sanitary Inspector Gr. I.
(k) Pharmacist Grade I

APPENDIX 'B'

(In terms of Clause 5(a) of the Tripartite Settlement
dated)

THRESHOLD O.M.S. FOR PIECE RATED WORKERS

Specifications

Physical	Chemical	Mines	O.M.S.
25 to 75 mm limestone 10% (A.I.) (1" to 3")		Gurpahar	1.00 MT

1926 GI/93—7

25 to 75mm Limestone 11% (1" to 3")	„	Kaplas East	1.05 MT
25 to 75mm Limestone 12% (1" to 3")	„ W	Kaplas West	1.10 MT
25 to 50mm Limestone 11% (1" to 2")	„	For all mines	0.70 MT
25 to 75mm Dolomite 7% (SLO) (1" to 3")	„	For all mines	1.30 MT
50 to 125mm Dolomite 7% (2" to 5")	„	For all mines	1.50 MT
25 to 50mm Dolomite A.I 5% (1" to 2")	„	For all mines	1.00 MT
125 to 250mm Dolo- mite (5" to 10")	6% „	For all mines	1.75 MT
125 to 250mm Limestone 5" x 10"	11% A.I.	For all mines	3.50 MT
Bad Stone removal from Complete reject band		For all mines	9.00 MT

All the above products whether good stone or bad stone will be measured through truck and taken out of the quarry to rail head/stock-yard/dump-yard, as the case may be.

ANNEXURE—D

MINUTES OF THE MEETING HELD WITH GANGPUR LABOUR UNION REGARDING FIXATION OF THRESHOLD O.M.S. OF +15 mm —50 mm SIZE DOLOMITE TO DURGAPUR STEEL PLANT

Durgapur Steel Plant expressed their willingness to consume +15 mm —50 mm size dolomite of 5,000 tonnes per month to start with which was gradually to be enhanced. The specifications of dolomite desired by Durgapur Steel Plant is detailed below :—

SiO	3.5% max.
Mg	20.0 mtr.
Size	15mm—50mm
Tolerance :	+ 50mm Nil —15mm ±5%

In the Tripartite Settlement dated 24-4-90, the threshold OMS for piece-rated workers as per Appendix 'B' with regards to Dolomite is mentioned as below :—

"For 25 to 50 mm Dolomite with acceptable tolerance of 5%, the threshold OMS for all mines is 1.00 M/T."

The Secretary, Gangpur Labour Union vide their letter No. GLU/2/238 dated 9th October, 1990 desired that 1.00 M/T OMS with the above specification and size range is not possible to achieve on realistic basis and hence desired review and discussion on this issue.

After prolonged discussion and in view of the above rigid specification it was jointly agreed that the threshold OMS for sized dolomite with the above new specifications shall be 0.90 M.T. for all the mines.

From Management side :

(M. N. Rao)

Executive Director

(A. C. Palai)

Dy. G.M. (M)/Agent

(S. K. Patnaik)

Dy. General Manager (P)

From Union side :

(K. N. Pathak)

Secretary, Gangpur Labour Union

(Dasarathi Nanda)

(Raimani Pathak)

(Hiralal Haripal)

नई दिल्ली, 18 अगस्त, 1993

नई दिल्ली, 20 अगस्त, 1993

का. मा. 1923--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मार-मुगाओ हैंडलिंग एजेंट्स एसोसिएशन के प्रबन्धन के संबंध में निधियों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई संख्या-1 के पंचपट को प्रकाशित करता है, जो केन्द्रीय सरकार की 16-8-93 को प्राप्त हुआ था।

[संख्या--36011/91--आई और (विधि)]

एम. डेविड, डेस्क अधिकारी

New Delhi, the 18th August, 1993

S.O. 1923.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 1 Bombay as shown in the Annexure in the industrial dispute between the employers in relation to the management of Mormugao Handling Agents' Association and their workmen, which was received by the Central Government on 16-8-93.

[No. L-36011/1/91-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. : 1 BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.

Reference No. CGIT-1/46 of 1991

PARTIES :

The Employers in relation to the Management of Mormugao Handling Agents' Association.

AND

Their Workmen.

APPEARANCES :

For the Employer.—Shri H. V. Kamath Representative.

For the Workmen.—Shri B. S. Bhole General Secretary, Transport & Dock Workers' Union.

INDUSTRY : Ports & Docks

STATE : Goa

Goa, dated the 26th day of July, 1993

(Dictated in the Open Court during the Camp Court sitting at Goa, from 26th July, 1993 to 30th July, 1993).

AWARD

This reference has been made to this Tribunal by the Ministry of Labour, Government of India, New Delhi on 08-05-91, to the following effect.

"Whether the action of the management of Mormugao Handling Agents Association is justified in not paying compensation @ Rs. 120/- p.m. during the monsoon of 1990, from July 1990 to Sept. 90 as per clause 14 of settlement dated 13-12-1988? If not, to what relief the workmen are entitled to?"

No statement of claim has been filed on behalf of the workmen. The parties to the dispute have settled their dispute out of court, and they have filed the terms of settlement. It bears the signatures of the parties.

In view of the settlement arrived at, which appears to be fair and reasonable, award accordingly.

R. G. SINDHAKAR, Presiding Officer

का.मा. 1924.—जबकि एयर इंडिया के प्रबंधन और उनके कर्मचारियों, जिसका प्रतिनिधित्व एयर इंडिया केबिन कृ एसोसिएशन बम्बई द्वारा किया जा रहा है, के बीच एक औद्योगिक विवाद विद्यमान है।

और जबकि उक्त प्रबंधन तथा उनके कर्मकार जिसका प्रतिनिधित्व एयर इंडिया केबिन कृ एसो. द्वारा किया जा रहा है, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10क की उप धारा (1) के अंतर्गत एक लिखित करार द्वारा उक्त विवाद को न्याय निर्णय के लिए भेजने पर सहमत है और उक्त मध्यस्थता करार की एक प्रति केन्द्र सरकार को भेज चुके हैं।

अतः अब उक्त अधिनियम की धारा 10क की उपधारा (3) के अनुसरण में केन्द्र सरकार उक्त करार को एवबद्धा प्रकाशित करती है।

करार

औद्योगिक विवाद अधिनियम, 1947 की धारा 10क के अंतर्गत

पक्षकारों के नाम

- (1) एयर इंडिया
218, बैकवे रिक्लेमेन्शन
नरिमन प्वाइंट
बम्बई—400021
- (2) एयर इंडिया केबिन कृ एसोसिएशन,
इमप्लोयर्स सर्विस बिल्डिंग, मेडिकोम भवन के सामने
एन. आई. पी. टी. सी., सहार,
बम्बई—400099

नियोक्ता के प्रतिनिधि कर्मचारियों के प्रतिनिधि

- | | |
|---|--|
| (1) श्री जे. भागव
उप निदेशक-इन चार्ज सविस्तर | (1) श्री. बी. डी. कटरेकर
वरिष्ठ उपाध्यक्ष |
| (2) श्री एन. एस. राजन,
उप निदेशक, औद्योगिक संबंध | (2) श्री पी. मुरलीधर,
महासचिव |
| (3) श्री एस. एस. मुनि,
औद्योगिक संबंध प्रबन्धक | |

पक्षकार निम्नलिखित औद्योगिक विवाद को माध्यस्थता के लिये न्यायपूर्ण श्री आई. बी. चंद्रबुडू (प्रवक्ताप्राप्त) 7-वीं सामता, जमरस भोसले मार्ग, बम्बई-400021 के पास भेजने के लिये सहमत हैं।

- (i) विवाद के विनिष्ट मामले दिनांक 5 जून, 1986 में रिकार्ड नोट/करार के खंड-2 के अनुसार केबिन कृ संघन तथा श्रमिकों से लौटते समय संघन में किस प्रकार के लेओवर के प्राप्त हैं। लेओवर की यह प्रवृत्ति कब शुरू होगी और कब समाप्त होगी।
- (ii) अन्तर्गत प्रतिष्ठापन या उपक्रम के नाम तथा पता सहित विवाद से संबंधित पक्षकारों के ग्यारे. एयर इंडिया, एक निगम जिसका पंजीकृत कार्यालय एयर इंडिया बिल्डिंग, नरिमन प्वाइंट बम्बई में है और इसके सभी प्रतिष्ठान भारत में हैं।

- (iii) कर्मकार का नाम, यदि वह स्वयं विवाद में अल्पग्रस्त है या यूनियन का नाम, यदि कोई है, जो विवाद से संबंधित कर्मकारों का प्रतिनिधित्व कर रहा है।
- (iv) भारत में प्रभावित उपक्रम में नियोजित कर्मकारों की कुल संख्या
- (v) इस विवाद में प्रभावित या प्रभावित होने वाले कर्मकारों की अनुमानित संख्या

और
एयर इंडिया के इन्फ्लाइट सर्विस विभाग में कार्यरत सभी महाप्रक फ्लाइट एसेस/विमान परिवारिक-कार्य/विक्रि विभाग परिवारिक/फ्लाइट एसेस, हरिण्ड केन्द्र फ्लाइट एसेस, जिनका प्रतिनिधित्व एयर इंडिया केबिन क्रू एसोसिएशन, बम्बई द्वारा किया जा रहा है।

13,810

1,967

माध्यस्थ की सहमति

21 जून, 1993

मुल्ता एण्ड मुल्ता एण्ड केरो ब्लंट एंड केरो
एडमोकेट एंड रालिगटन
जहाँगीर वाफिया, दिल्ली
51 एम.जी. रोड,
बम्बई, 400 001
श्री पी. डी. कटकर
हरिण्ड उपाध्यक्ष
श्री पी. मरनीधर
महासचिव
एयर इंडिया केबिन क्रू एसोसिएशन

संदर्भ: एयर इंडिया और एयर इंडिया केबिन क्रू एसोसिएशन के बीच माध्यस्थता।

महोदय,

एयर इंडिया और एयर इंडिया केबिन क्रू एसोसिएशन के बीच दिनांक 6 अक्टूबर 1992 को हुए करार की एक प्रति मुझे भेजी गयी है। मैं, मुल्ता एंड मुल्ता केरो ब्लंट एंड केरो के दिनांक 7 मई, 1993 के पत्र द्वारा मुझे सूचित किया गया है कि पक्षकार उनके बीच उत्पन्न इस विवाद का मेरे पास एक मात्र माध्यस्थ के रूप में भेजना चाहते हैं। दो महीने से मैं भारत से बाहर था लेकिन अमेरिका से मैंने एयर इंडिया के सलिसिटर का एक पत्र लिखा था जिसमें मैंने इस विवाद में एकमात्र माध्यस्थ के रूप में काम करने के लिये सहमति दी थी। उक्त विवाद के लिये एकमात्र माध्यस्थ के रूप में कार्य करने के लिये मैं पुनः अपनी सहमति देता हूँ।

कृपया ध्यान दें कि माध्यस्थता प्रक्रिया को आगे की गति निश्चित करने के लिये उपरोक्त पत्र के भेजे निबन्ध पर दिनांक 22 जुलाई, 1993 सुन्धार को 11.00 बजे पूर्वाह्न में एक प्रारंभिक बैठक होगी।

कृपया इस बैठक में भाग लेने का कष्ट करें।

अरवीय,

ह./

(आई. जी. चंद्रचूड़)

[मं. एन-11013/2/93-आई. पार. (विधि)]

बी.एम. डेविड, डैस्क सचिवारी

पक्षकारों के हस्ताक्षर।

प्रबंधन की ओर से	ए. आई. सी. सी. सी. ए. की ओर से
हस्ता.	हस्ता.
(जे. भार्गव)	(बी. डी. कटकर)
उप निदेशक, इन्फ्लाइट सर्विस	हरिण्ड उपाध्यक्ष,
हस्ता.	हस्ता.
(एन. एम. राजन)	(पी. मरनीधर)
हस्ता.	हस्ता.
उप निदेशक—औद्योगिक संबंध	महा. सचिव
हस्ता.	
(एस. एन. मुनि)	
औद्योगिक संबंध प्रबन्धक	
माध्य:	
1.	
2.	

New Delhi, the 20 August, 1993

S.O. 1974.—Whereas an Industrial dispute exists between the management of Air India and their workmen represented by the Air-India Cabin Crew Association, Bombay;

And whereas, the said management and their workmen represented by the Air-India Cabin Crew Assoen. have by written agreement under sub-section (i) of Section 10-A of the I.D. Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of Section 10-A of the said Act, the Central Government hereby publishes the said agreement.

AGREEMENT

(Under Section 10-A of the I.D. Act, 1947)

BETWEEN

NAME OF THE PARTIES

- (i) Air India
218, Backbay Reclamation,
Nariman Point,
Bombay-400021.
- (ii) Air-India Cabin Crew Association,
Inflight Service Building,
Opp. Medicon Bhavan,
NIPTC, Sahar
Bombay-400099.

Representing employers

- (1) Mr. J. Bhargava
Dy. Director-Inflight Service.
- (2) Mr. N.S. Rajan
Dy. Director-Industrial Relations
- (3) Mr. S.N. Murthy
Industrial Relations Manager

Representing workmen

- (1) Mr. V.D. Katrekar
Sr. Vice-President
- (2) Mr. P. Murlidhar
General Secretary

It is hereby agreed between the parties to refer the following I.D. to the arbitration of Justice Chandrachud (Retd.), B, Samata, General Bhosale Marg, Bombay-400021.

- | | |
|---|--|
| (i) Specific matters in dispute | In terms of clause 2 of the Record Note/Agreement dated June 05, 1986 what lay over are the cabin crew entitled to at London and at New York, on outward Journey and at London on return journey ? When is this period of lay over supposed to commence and when does it end ? |
| (ii) Details of the parties to the dispute including the name and address of the establishment of Undertaking involved. | Air-India, a Corporation having its registered Office at Air-India Bldg., Nariman point, Bombay and all its establishments in India. |
| (iii) Name of the workmen in case he himself is involved in the dispute or the name of the Union if any, representing the workmen or workmen in question. | AND
All Asst. Flight Purser/Air Hostesses/Check Air Hostesses/Senior Check/Air-Hostesses/Flt. Purser/Sr. Check Flight Purser employed in the Inflight Service Deptt. of Air-India represented by the Air-India Cabin Crew Association, Bombay. |
| (iv) Total number of workmen employed in the Undertaking affected in India. | 13,810 |
| (v) Estimated number of workmen affected or likely to be affected by the dispute | 1,967 |

It is agreed that the decision of the Arbitrator will be binding on the parties to the dispute.

The Arbitrator shall make his Award within a period of six months from the date of publication of this Agreement in the Official Gazette by the appropriate Government or within such further time as is extended by mutual agreement between us in writing. In case the Award is not made within the period aforementioned the reference arbitration shall stand automatically cancelled and he shall be free to negotiate for fresh arbitration.

SIGNATURE OF THE PARTIES

Representing the Management

Sd/-

(J. Bhargava)

Dy. Director-Inflight Service

Sd/-

(N.S. Rajan)

Dy. Director-Industrial Relations.

Sd/-

(S.N. Murthy)

Industrial Relations Manager

Witnesses :

1.

2.

Representing the AICCA

Sd/-

(V.D. Katrekar)

Sr. Vice-President

Sd/-

(P. Murlidhar)

General Secretary

CONSENT OF THE ARBITRATOR

Mulla & Mulla & Cragie Blunt & Cadroe

June, 21, 1993

Advocate & Solicitors

Jehangir Wadia Building

51, M.G. Road,

Bombay 400001

Mr. V.D. Katrekar

Senior Vice President

Mr. P. Murlidhar

General Secretary

Air India Cabin Crew Association

Re : Arbitration between Air India and

Air India Cabin Crew Association.

Sirs,

A copy of the settlement dated 6th October 1992 between Air India and Air India Cabin Crew Association has been forwarded to me. I am informed by M/s. Mulla & Mulla Cragie Blunt & Cadroe by their letter dated 7th May 1993 that the parties desire to refer the dispute between them to me as a Sole Arbitrator. I was out of India for two months but I had written a letter to the Solicitors of Air India from America giving my consent to act as a sole Arbitrator in the dispute. I reaffirm my consent to acting as a sole Arbitrator in the said dispute.

Please take notice that a preliminary meeting for fixing further modalities in the arbitration proceedings will be held on Thursday 22nd July, 1993 at 11 a.m. at my residence at the above address. Please make it convenient to attend the meeting.

Yours Sincerely,

Sd/-

(Y.V. Chandrachud)

[No. L-11013/2/93-IR (Misc.)]

B.M. DAVID, Desk Officer

नई दिल्ली, 17 अगस्त, 1993

New Delhi, the 17th August, 1993

का. धा. 1925.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल कैटल ब्रीडिंग फार्म, सांबलपुर के प्रबन्ध-संलग्न के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-93 को प्राप्त हुआ था।

[सं. एल.-42012/186/89-आई आर (डी यू) (पीटी)]

के. वी. बी. उन्नी, डेस्क अधिकारी

S.O. 1925.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Cattle Breeding Farm, Sambalpur and their workmen, which was received by the Central Government on 17-8-1993.

[No. L-42012/186/89-IR (DU) (Pt.)]

K. V. B. UNNY, Desk Officer.

ANNEXURE

INDUSTRIAL TRIBUNAL : ORISSA: BHUBANESWAR :

PRESENT :

Shri R. K. Dash, LL.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

INDUSTRIAL DISPUTE CASE NO. 33 QF 1990

(CENTRAL)

Dated, Bhubaneswar, the 31st July, 1993.

BETWEEN :

The management of Central Cattle Breeding Farm, Chipilima, Basantpur, Distt. Sambalpur.

..First Party—management.

AND

Their workman Shri Hari Nag represented through Central Cattle Breeding Farm Labour Union, At : Chipilima, P. O. Basantpur, Distt. Sambalpur.

..Second Party—workman.

APPEARANCES :

Shri R. K. Hatwar, Director of the Farm.—For the first party—management.

Shri D. P. Nayak, President of the Union.—for the Second Party—workman.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon it by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) have referred the following dispute for adjudication by this Tribunal vide their Order No. L-42012/186/89-IR(DU), dated 23-8-1990 :—

"Whether the action of the management of Central Cattle Breeding Farm, Chipilima, P. O. Basantpur, Distt. Sambalpur, Orissa in suspending Shri Hari Nag from 26-12-1987 to 9-1-1988 is justified? If not, what relief is the workman entitled to?"

2. Briefly stated the case of the workman is that he was attached to the Livestock Section of the Farm and was placed under suspension with effect from 26-12-1987 for the alleged misbehaviour meted out to his co-employees. No charge whatsoever was framed for such alleged misbehaviour nor any enquiry was held to find out the truth or otherwise of the said allegation. The infliction of the aforesaid punishment being in violation of the principles of natural justice, it is urged, the action of the management should be declared illegal and the management be directed to make good the loss sustained by the workman.

3. The management while challenging the maintainability of the reference and disputing the Farm as an 'industry' has pleaded inter-alia that the workman who was a casual labour threatened to assault one Iadramani Dharja, Choukidar of the Farm on 5-12-1987. A complaint was therefore, made against him by Shri Dharja, a copy of which was sent to him asking him if he admitted the allegations made therein but as he did not respond within the stipulated time the punishment was imposed on him by suspending him for fifteen days. It is urged that he being not a civil servant it was not obligatory on the part of the management to hold any enquiry before awarding punishment as aforesaid.

4. In course of hearing the workman has examined him alone and proved certain documents whereas the management examined two witnesses only.

5. In the pleading although the management has challenged the maintainability of the proceeding on the ground that the Farm is not an 'industry' but while leading evidence it appears to have abandoned the said plea and in my opinion rightly so since in an earlier reference case No. 29 of 1990 (Central) the self-same plea has been negatived. However, at the far-end of the hearing of the present case, the manage-

ment in its written note of submission has reagitated the same plea which are not based on evidence. I am, therefore, not prepared to accept the same particularly when no evidence in support thereof has been led.

6. Next coming to the question of legality of the action of the management in suspending the workman for a period of 15 days, it is worthwhile to mention here that without following the principles of 'AUDI ALTERAM PARTEM' which is one of the basic principles of fundamental rights, the management acted arbitrarily and imposed punishment without making enquiry to find out as to whether the allegation of misbehaviour alleged by his co-worker was true or not.

7. Witness No. 1 for the management would admit in his evidence that on receipt of the complaint of the co-worker against the workman, the Director of the Farm asked him to make an enquiry but as admitted by him during cross-examination he without serving any notice as well as the copy of the written allegation on the workman conducted the enquiry and held him guilty. The way he conducted the enquiry having no sanction under law, the management would have been slow to take action against the workman on such report. Instead, it appears to have exercised its power arbitrarily and took action against the poor and helpless workman by snatching away his bread for fifteen days.

Apart from what has been stated above, even if the allegation made against the workman was accepted to be true but there was no material before the management as to if it had any nexus with his duty. Though the management has examined M.W. 2, the aggrieved co-worker who made the complaint against the workman but he does not say that the incident happened in course of his employment. The incident as deposed to by M. W. 2 is trivial in nature. What the workman did as stated by him was that he took away his torch light which was given to him by the management and when he asked for the same the workman threatened to assault him and abused him in filthy language. This incident being purely personal, the management had absolutely no business to poke its nose in the name of doing justice to M. W. 2.

8. In view of my discussions made above, I hold that the action of the management in suspending the workman for fifteen days is illegal, arbitrary and against the principles of natural justice. In this view of the matter, the workman should be deemed to be in service for those days and he be paid wages thereof. The wages as ordered be paid within three months from the date of publication of the Award.

The reference is thus answered accordingly. Dictated and corrected by me.

R. K. DASH, Presiding Officer.

नई दिल्ली, 18 अगस्त, 1993

का. ग्रा. 1926.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार साउथ ईस्टर्न रेलवे, खुर्दा रोड, पुरी के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार सरकार को 17-8-93 की प्रत्येक हप्ता को

[सं.-एल-41012/28/90-आई. आर. (डी.यू.) (पीटी)]

के. वी. बी. उन्नी, ईरक अधिकारी

New Delhi, the 18th August, 1993

S.O. 1926—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of South

Eastern Railway, Khurda Road, Puri and their workmen, which was received by the Central Government on 17th August, 1993.

[No. L-41012/28/90-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR
PRESENT:

Sri R. K. Dash, LL.B., Presiding Officer, Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Case No. 11 of 1991 (Central)

Dated, Bhubaneswar, the 30th July, 1993

BETWEEN

The management of South Eastern Railway, Khurda Road Division, Khurda Road, District Puri.

First party—management.

AND

Their workman Sri Sura, S/o Shri Nanda, Village Trutipara, P.O. Retang Railway Station, Via Janla, District Puri.

Second party—workman.

APPEARANCES:

Sri H. N. Routray, Advocate—For the first party—management.

Sri M. M. Basu, Advocate—For the second party—workman.

AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon it by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (hereinafter referred to as the 'Act') have referred the following dispute for adjudication by this Tribunal vide their Order No. L-41012/28, 90-IR(DU) dated 12th March, 1991:—

"Whether the action of the management of South Eastern Railway, Khurda Road, Division, Khurda Road by refusing employment to Sri Sura is justified? If not, to what relief the workman is entitled to?"

2. Briefly stated the case of the workman is that he was initially engaged as a labour on casual basis in the Engineering Department of the South Eastern Railway and was ultimately retrenched in 1971. For about eighteen years he sat idle and on by in 1989 he on coming to know from a news publication that the management has invited for medical examination of the retrenched workers for re-engagement appeared the medical board and on being examined was declared fit for re-employment in C-I category. To his utter surprise the Chief Permanent Way Inspector, South Eastern Railway, Baranga informed him on 24th June, 1989 that he was unfit to be appointed as casual patrol-man though his earlier engagement was never in the said post. Later on he came to know that some of his co-workers who were junior to him and had been retrenched alongwith him in 1971 have been given re-employment. Being so informed he approached the management and prayed for taking him back to job but it was turned-down on the ground as referred to above. So, he raised a dispute before the labour machinery which was admitted to conciliation. Ultimately, as the conciliation failed, the present reference was made for adjudication. While asserting that 'last come first go' principle has not been adhered to by the management the workman has specifically stated in his pleading that juniors to him who have been given re-employment are Mahua, s/o Dhajia and Mangu s/o Jamukili. In this view of the matter, the management in all fairness should have re-employed him even subsequently when he was found fit by the medical board for a job in C-I category. So, he has prayed that necessary direction be given to the management to absorb him in the post with all service benefits.

3. The case of the management on the other hand is this:

The workman was an old employee who worked till 1971 when his services were terminated. His total period of work

was 137 days in Khurda Division. In 1988, a notice was published inviting applications from the ex-casual labourers for giving them re-engagement as casual gangmen. In response to such notice the concerned workman appeared before the Committee where he was found unfit for B-category i.e. category for casual gangmen but however, he was found fit for employment in C-I category. There were some persons on the roll as on 1st January, 1981 who were to be considered first for absorption as casual labourers and that only after their engagement, the case of pre-81 casual labourers was to be considered. The aggrieved workman being ex-casual labourer of pre-81 list and further he having failed in medical test his case could not be considered. This apart, five years' experience as a casual labour being the condition precedent for re-employment and the workman having no such experience and further he being not found medically fit for re-employment, the management could not give him fresh employment. His next grievance that without considering his case his juniors have been taken into service is not true. Sri Mahua and Sri Mangu whom he alleges to be juniors to him in service had been re-engaged on 28th October, 1986. So, by the time their case was again considered in 1988 they had the requisite experience and were senior to him. In this view of the matter, both factually and legally the workman has no case at all and so, the reference should be answered against him.

4. In view of the pleadings of the parties, the crux of the issue is whether refusal of employment to the workman by the management of South Eastern Railway, Khurda Division is legal and justified.

5. In support of his case, the workman has examined him alone and proved certain documents. On the other hand, the management led no evidence, either oral or documentary.

6. The main grievance of the workman as borne out from his evidence is that his colleagues who joined as casual labourers alongwith him and some others who joined later on have been given permanent employment but in his case the management treated him differently. As deposed to by him he joined at Baranga in 1971 as a casual workman and worked for a period of 137 days whereafter his services were terminated. Since retrenchment he has been approaching the management for a job but it is not heeded to although two of his colleagues, namely, Mahua and Mangu who being juniors to him have been given permanent job in 1986. However, in 1989 he appeared the medical examination for being considered if he could be given further employment and on examination the Medical Officer found him fit to be engaged as a gangman in C-I category. After medical test, the management informed him vide Ext. B that as per the circular he was not fit to be appointed as a casual patrol-man.

From the pleadings as well as the sworn testimony of the workman what appears to me is that no seniority list of the casual workers is being maintained by the management of South Eastern Railway, a model employer. Had it been so, some juniors to the workman could not have been given permanent employment in 1986 overlooking his claim. In his sworn testimony the workman has stated that two of his colleagues as named above are in the employment of the management on permanent basis. Not only that some of his colleagues who joined alongwith him as casual workers in 1971 have been taken back to service even after 22 years of retrenchment but for no reason whatsoever his case is not being considered at all. Even in 1989, he although appeared medical test and found fit to be absorbed in a particular category i.e. in C-I, but the management without any reasonable cause did not absorb him in the said category. It is not the case of the management that selection that was held in 1989 was for filling up the posts in B-I category and not others. So, the management having found the workman medically fit to be engaged in C-I category, should have in all fairness considered his case and absorbed him since he is an old employee. But without doing so it issued a letter, Ext. B intimating him that he was unfit to be appointed as a casual patrol-man. It is neither pleaded in the written statement nor suggested to the workman that only the posts of patrol-man fall under category C-I and not others. In an establishment like South Eastern Railway there must have been various posts both in B-I and C-I category. So, I fail to understand as to what prompted the management not to give re-employment to the workman in C-I category when as elicited during his cross-examination that many others have been given employment in the aforesaid category after the selection was held.

7. The management has not urged and in my opinion rightly that because the workman did not work 240 days during the year of his employment i.e., in 1971 the principles of 'last come first go' and offer of re-employment as provided in Section 25-H are not applicable to him. There are judicial pronouncements that the provisions embodied in the aforesaid sections are applicable to a retrenched workman even if he has not completed 240 days service during a year.

8. In view of my discussions made above, I would unhesitatingly conclude that the refusal of employment to the workman by the management of South Eastern Railway, Khurda Division is illegal, unjustified and against the principles of natural justice. In view of such finding I would direct the management to reconsider his case and absorb him as a casual workman in C-I category within a period of two months from the date of publication of the Award.

The reference is thus answered accordingly. Dictated & corrected by me.

R. K. DASH, Presiding Officer

नई दिल्ली, 17 अगस्त, 1993

का. प्रा. 1927.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबन्धतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जोधपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

[संख्या एल-42012/192/86-डी-II (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 17th August, 1993

S.O. 1927.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jodhpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on

[No. L-42012/192/86-D-II(B)]

RAJA LAL, Desk Officer

अनुबंध

श्रम न्यायालय, जोधपुर

पीठासीन अधिकारी:—श्री सम्पतराज शर्मा, आर एन जे एस केन्द्रीय औद्योगिक विवाद प्रकरण सं. 2/87
रामचन्द्र पुत्र श्री मोतीलाल लेबर निवासी मारवाड जंक्शन जिला पाली।

..... प्रार्थी

वनाम

1. जिला प्रबन्धक, भारतीय खाद्य निगम, 632, रेजीडेंसी रोड, जोधपुर।
2. सहायक प्रबन्धक (ऑफिस इंचार्ज) भारतीय खाद्य निगम मारवाड जंक्शन, जिला पाली।

अप्रार्थीगण

उपस्थिति

(1) प्रार्थी की ओर से श्री भागीरथ चंदोरा, एडवोकेट

(2) अप्रार्थीगण की ओर से श्री बशरामल लोदा, एडवोकेट

अधिनियम

दिनांक :- 15-9-92

भारत सरकार के श्रम मंत्रालय की अधिसूचना के जरिए निम्न विवाद वास्ते अधिनियम प्रेषित किया गया:—

"Whether the action of the management of Road Corporation of India in terminating Shri Ram Chandra, Casual Labour at Marwad Jn. from service with effect from 02-05-1986 is legal and justified? If not, to what relief is the workmen entitled?"

2. प्रार्थी ने अपना मांग-पत्र प्रस्तुत कर यह प्रकट किया है कि प्रार्थी विभाग में उसकी नियुक्ति 5-1-89 को चतुर्थ श्रेणी कर्मचारी एवं वाचमन के पद पर की गई थी, उसने 1-6-86 तक अपनी सेवाएं निरन्तर दी, उसकी उपस्थिति मस्टरोल में अंकित होती थी एवं उक्त अवधि का उसे वेतन भुगतान किया गया। प्रार्थी जब 1-6-86 को अपने कार्य से आफ हुआ तब अप्रार्थी नियोजक संस्थान ने मारवाड जंक्शन के सहायक मैनेजर (डिपो इंचार्ज) ने अपने मौखिक आदेश से प्रार्थी को सेवा से पृथक कर दिया, सेवापृथकी से पूर्व एक वर्ष में प्रार्थी ने 240 दिन की कार्य अवधि पूरी कर ली थी उसे सेवा से पृथक करने से पूर्व न तो एक माह का नोटिस दिया गया न नोटिस की एबज में वेतन मुआवजा ही दिया गया। छंटनी मुआवजा भी नहीं दिया गया तथा न ही भारत सरकार से उक्त छंटनी की अनुमति ही प्राप्त की गई। अतः प्रार्थी की सेवाएं धारा 25-कक, 25-ख औद्योगिक विवाद अधिनियम के प्रावधानों का उल्लंघन करके समाप्त की गई जो अवैधानिक, विधिविरुद्ध है। अतः प्रार्थी श्रमिक पूर्ण वेतन सहित सेवा की निरन्तरता में बहाल होने का अधिकारी है तथा देय वेतन पर ब्याज भी पाने का अधिकारी है। अन्त में उसने प्रार्थना की कि उसे पुनः सेवा में पुनर्स्थापित किया जावे तथा सेवा की निरन्तरता बनाए रखते हुए संवेतन बहाल किया जाए।

3. अप्रार्थी ने उत्तर प्रस्तुत कर यह प्रकट किया है कि प्रार्थी को भारतीय खाद्य निगम में छूट स्टोरेज डिपो मारवाड जंक्शन पर 5-1-84 को दैनिक वेतन पर सेवा में लगाया गया था, जहां प्रार्थी ने 1-6-86 तक निरन्तर कार्य किया तथा वह उक्त अवधि में निरन्तर सेवा में रहा। उसकी उपस्थिति मस्टरोल में अंकित होती थी तथा उक्त पूरी अवधि का वेतन उसे दिया जा चुका है। आदि जो तथ्य प्रार्थी ने अपने मांग-पत्र में अंकित किए हैं वे सब गलत हैं। वास्तव में प्रार्थी ने अप्रार्थी के फूड स्टोरेज मारवाड जंक्शन पर समय-समय पर कार्य किया था मगर वह निरन्तर सेवा

में नहीं रहा। दिनांक 1-6-86 के पश्चात् प्रार्थी खुद ही काम पर नहीं आया, प्रार्थी को कभी भी सेवा से पृथक नहीं किया था। अतः उसे एक मास का नोटिस अथवा उसकी एजेंट में बेतन दिए जाने का प्रश्न ही पैदा नहीं होता। प्रार्थी द्वारा दिनांक 28-10-1986 को एक दरखास्त ए. एल. सी. के समक्ष पेश की गई थी और उसके द्वारा यह जाहिर किया गया था कि वह अपनी दरखास्त चलाना नहीं चाहता और न नौकरी पर ही आना चाहता है तथा विवाद को वापस लेने की प्रार्थना की थी। चूंकि प्रार्थी ने उक्त प्रार्थना की थी अतः अब पक्षकारान के दरम्यान किसी प्रकार का कोई विवाद नहीं रहा। अतः प्रार्थी का संबंध मय खर्चें खारिज किया जावे। अप्रार्थी डिस्ट्रीक्ट मैनेजर फूड कारपोरेशन आफ इण्डिया ने भी इसी प्रकार का जवाब प्रस्तुत किया है।

4. प्रार्थी ने अपना शपथ-पत्र प्रस्तुत किया तथा अपने समर्थन में पीटिशन, श्रीकिशन चुन्नीलाल, लक्ष्मणसिंह व यस्तुलाल के शपथ-पत्र प्रस्तुत किए तथा विपक्षी की ओर से इन्द्रकुमार गोविन्दानी सहायक प्रबन्धक का शपथ-पत्र प्रस्तुत किया गया। दोनों पक्षों को एक दूसरे के शपथ-पत्र पर जिरह कराई गई।

5. मैंने उक्त पक्ष के विद्वान अधिवक्ताओं की वान सुनी, पत्रावली का अवलोकन किया।

6. प्रार्थी ने अपने अभिकथन में 240 कार्य दिवस पूरे कर लिए जाने का कथन स्पष्ट रूप से किया है जिसके (पाण्डुलिपि अस्पष्ट) अभिलेख साक्ष्य उपलब्ध होते हुए भी अप्रार्थी-पक्ष यह बताने में असमर्थ रहा है कि प्रार्थी ने कितने कार्य दिवस पूरे किए। अभिलेख साक्ष्य अप्रार्थी-पक्ष के पास उपलब्ध होने हुए भी प्रस्तुत नहीं किए जाने के कारण उनके विरुद्ध प्रतिकूल उत्तर लिया जाता है तथा प्रार्थी पक्ष के कथन को प्रार्थी के मुकाबले ज्यादा विश्वसनीय मानते हुए यह निर्णित किया जाता है कि प्रार्थी ने 240 कार्य दिवस पूरे कर लिए। उपलब्ध साक्ष्य से यह भी स्पष्ट है कि प्रार्थी की सेवामुक्ति के पूर्व धारा 25-एफ औद्योगिक विवाद अधिनियम की पालना नहीं की गई। ऐसी स्थिति में उसकी सेवामुक्ति अवैध है। सेवामुक्ति के पश्चात् की अवधि हेतु सभी तथ्यों एवं परिस्थितियों को देखते हुए समेकित रूप से प्रार्थी को सात हजार रुपए पूर्व भूति के रूप में दिलाया जाना न्यायोचित प्रतीत होता है।

अधिनिर्णय

क. उपरोक्त विवेचन एवं विश्लेषण के आधार पर यह अधिनिर्णित किया जाता है कि प्रार्थी-पक्ष जिला प्रबन्धक भारतीय खाद्य निगम द्वारा प्रार्थी रामचन्द्र को दिनांक 2-6-1986 से सेवा से पृथक करता उचित एवं वैध नहीं है। अतः यह आदेशित किया जाता है कि प्रार्थी रामचन्द्र को अप्रार्थी नियोजक निरन्तर सेवा में मानते हुए पुनः सेवा पुनर्स्थापित करें। प्रार्थी सेवामुक्ति के पश्चात् की अवधि हेतु समेकित रूप से सात हजार रुपए की राशि पूर्व भूति रूप में प्राप्त करने का अधिकारी होना सुनिश्चित किया जाता है।

8. इस अधिनिर्णय को वास्ते सूचना एवं प्रकाशन भारत सरकार श्रम मंत्रालय को प्रेषित कर दिया जाए।

(सम्पतराम शर्मा)

न्यायाधीश

श्रम न्यायालय, जोधपुर।

9. यह अधिनिर्णय आज दिनांक 15-9-1992 को खुले न्यायालय में हस्ताक्षर कर सुनाया गया।

सम्पतराम शर्मा, न्यायाधीश

नई दिल्ली 17 अगस्त, 1993

का.आ. 1928:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एससीसीएल के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार की 12-8-93 को प्राप्त हुआ था।

[संख्या एल-21011/18/79-डी-IV (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 17 August, 1993

S.O. 1928.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd., and their workmen, which was received by the Central Government on 12-8-1993.

[No. L-21011/18/79 DIV(B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal.
Industrial Dispute No. 8 of 1980

BETWEEN

Workmen of Singareni Collieries Company Limited,
Yellandu, Khammam District.

AND

The Management of Singareni Collieries Company Limited,
Yellandu Khammam Dist.

APPEARANCES:

Sri D. S. R. Varma, Advocate for the Workmen.

Sri K. Srinivasa Murthy, Hon. Secretary, Federation of
A.P. Chambers of Commerce and Industry, Hyderabad for the Management.

AWARD

The Government of India, Ministry of Labour by the Order No. L-21011(18/79-D.IV(B) dated 7-7-1980 referred the following dispute under Section 7-A and 10(1)(d) of the Industrial Disputes Act, 1947 between the Employers in relation to the management of Singareni Collieries Company Limited, Yallandu, Khammam District and their workmen to this Tribunal for adjudication.

"Whether the action of the management of Messrs Singareni Collieries Company Limited in placing in Category II Tub-repairing/Making Mazdoor in Tub-repairing/making Section at their Yellandu Workshop is justified. If not, to what relief are the concerned workman entitled?"

This reference was registered as Industrial Dispute No. 8 of 1980 and notices were issued to the parties.

2. In the claim statement filed by the Workmen of Singareni Collieries Company Limited, Yellandu represented by the Secretary, Yallandu Branch Singareni Coal Workers Union prayed that the demand of the workmen i.e. Tub repairing/Making Section at Yallandu Workshop categorised into IV category instead of placing them in Category II.

(a) It is mentioned that the Union represented the dispute of Tub manufacturing workers of Yellandu Division to pay the appropriate wages by their letter dt. 15-12-1979 and they should be paid minimum wages of IV category instead of Category (ii) as they are doing skilled jobs. As the management did not reply the workers represented to the Assistant Commissioner of Labour (Central) Vijayawada and after conciliation proceedings were resulted in failure the matter was referred to this Tribunal.

(b) According to the Management, the present Category II gives to Tub repairing/making mazdoor is quite appropriate as per 1967 Wage Board recommendations and if there is any higher category given at Kothagudem it was due to special circumstances and personnel, and there is no comparison between these two. But the Workers contend that at Kothagudem when they started tub repairing, the Management was forced to give higher category to workmen and at present in Kothagudem the repairing section is consisted with once chargehand, 17 V Category Tub repairing Mistries, 4 IV Category maistries and only one I Category Mazdoor and they are manufacturing new tubs. On the other hand at Yellandu one charge hand, one V Category maistry, one IV category Mazdoor, 6 II Category maistries are working in repairing and manufacturing section. According to the Union except the charge hand all others i.e. II category mazdoors and V, IV Category maistries are working as one team. It is the Unions case as per the Wage Board recommendations II Category given to tub repairing/making maistries at Yellandu is quite appropriate and they should also be given the category as given at Kothagudem for similar situated jobs. They deny that the workers at Kothagudem are given higher wages due to surplus personnel as baseless.

3. On the other hand the Management contended that the Singareni Collieries Company Limited is having its Coal Mines in three areas viz. Kothagudem (Khammam District) Ramagundam (Karimnagar District) and Bellampalli (Adilabad District) and each area comprises of Divisions with group of mines Yellandu is one of the Division in Kothagudem area. For executing various mechanical and electrical work a number of workshops are located in Divisions Area. Tub repairing/making is a section which forms part of workshop were tub repairing or assemblage of new tubs is carried out by maistries and mazdoors whose category and job nomenclature in the Wage Board is reproduced hereunder:

(a) Tub-Repairing/Making Maistry : Blacksmith and their Mazdoors generally do all tub repairs including fastening the tub blocks to the frame with bolts and nuts.

(b) Tub-repairing/making mazdoor :—A worker who assists a tub-repairer or tub-repairing blacksmiths and general works under the directions of the repairer or blacksmiths on the surface, and very occasionally underground. Those formerly designated as 'Ravet

Man' or 'Blacksmith Helpers' will hence forward be known as 'Tub-Repairing Mazdoors'.

As in the case of other workshops in the Area/Divisions tub-repairing/making section of Yellandu Workshop consists of tub-repairing Maistries and tub-repairing mazdoors. The Industrial Engineering Department conducted man power study for assembling, fabricating tubs at Yellandu Workshop and found that for the following strength is sufficient.

(i) Tub-repairing/Making Maistries Cat. IV	2
(ii) Drilling Operator	1
(iii) Welder	1
(iv) Tub-repairing/making mazdoors	7

The demand made in the claim statement is that they should not be anybody less than IV Category in Tub-repairing/making Section at Yellandu Division. In other words there should be no mazdoors in Category II and all should be Maistries in Category IV. The categorisation of workers of Tub-repairing/Making Section of Main Workshop Kothagudem which has a historic origin, cannot be compared with other Workshop of Area or Division. In all other workshops there are two 'Tub repairing/making maistries and adequate number of mazdoors depending on work load. The present position of maistries and mazdoors in all the workshops in the Company would clearly show that there are few maistries and more number of mazdoors above all the job nomenclature itself clarifies the position. The dispute on this scope is imaginary and not warranted. It is mis-nomer to state that these workmen are engaged in manufacture of tubs. As no manufacture is involved except assembling chasis and plate of standard dimension already out else-where and supplied to them. The comparison with Tub repairing/Making section workers of Kothagudem also are unsustainable. Industrial Dispute No. 30 of 1967 the Union has put forth a number of demand for modifications of wage structure and also higher grades. It also included the demand of higher category to these workmen, under the heading Tub Manufacturers. The dispute was eventually settled by Arbitration of Sri Raghunath Reddy's compromised Award was passed by the Tribunal. The Union had withdrawn of demands other than those specified in the award of Sri Raghunath Reddy including the Tub-repairing/making maistries. Thus Category II allotted to these workmen's appropriate and the allegation of extracting additional and skilled work is denied. The differentiation sought to be made between the making and manufacturing is also unsustainable. It is therefore prayed that the petition should be dismissed with costs.

4. In this case, this Tribunal passed an award on 7-5-1986 in favour of the Workmen. Aggrieved by this Award, the Management approached the Hon'ble High Court by way of Writ in Writ Petition No. 13284/86 and that the Hon'ble High Court passed the order with the following observation:—

"It is common knowledge that in Tub-repairing, maistries, Welders, Drilling Operators and Mazdoors are engaged. Though the expected job is turned out by all of them as a team, the duties performed by each category are entirely different. Infact, the mazdoors perform only unskilled jobs. The Industrial Tribunal is, therefore, in error in classifying all of them under one category. It is therefore rightly contended by Sri K. Srinivasa Murthy on behalf of the Petitioner that the Industrial Tribunal is in error. Further, the Mazumdar's Award and the award of Sri Raghunath Reddy, very much relied upon by the Petitioner-Company, though merely adverted to by the Industrial Tribunal, are brushed aside without assigned any opinion, set aside the impugned award passed by the Industrial Tribunal and remit the matter to the present Industrial Tribunal, Hyderabad for fresh disposal according to law. The writ petition is accordingly allowed."

Now this Tribunal has to pass an award afresh keeping in view the above observation of the Hon'ble High Court.

5. The workmen examined four witnesses as W. W. 1 to W.W.4 and marked Ex. W1. While the Management examined M.W1 to M.W3 and no other documents were marked.

6. W.W1 is V. Poshaiah, Joint Secretary, Singareni Collieries Workers Union, Yellandu Branch. According to him the

Workers attending to manufacturing of tubs and repairing of tubs are now in Category II and the second was started in 1976 at Yellandu. It is his case that prior to 1976 the tub manufacturing was not there. The new iron sheet is cut to size, bent and after welding, manufacture of tub was done. He deposed that prior to 1976 these workers were merely attending to repairing of tubs and the tub used to be brought from Vijayawada or Hyderabad in two parts and used to be assembled in this Unit. In Kothagudem which is their Head Office, he mentioned that manufacturing of tubs was there from the beginning. According to him tub repairing maistries of Category IV were attending to that manufacturing work. It is his case that category II mazdoors of Yellandu are now doing same manufacturing work carried on by the workmen of Category IV at Kothagudem. He pointed out that there are no Category II employees at Kothagudem in manufacturing of tubs. So he demanded that six mazdoors in Yellandu and who are shown in Category II in Manufacturing of tubs should be given Category IV as the work is carried on similar lines as is done at Kothagudem by Category IV workers. He also pointed out that there are no Chapter II workers in Tub-Repairing/Making Section at Kothagudem. He also pointed out that tub repairing or making at Kothagudem by employees of Category IV and above with the help of Category I maistries and therefore requested that they should be categorised as IV Category and scales of Category IV should be paid to the mazdoors of Yellandu for Tub-Repairing/Making Section.

7. W.W2 is one Khaza Mohinuddin working in Tub Section, Yellandu, in Category IV and he is known as IV Category Maistry. He deposed that raw material is brought to their Section, they cut them to size and do the necessary things to make tubs. Category II workers work along with them doing the same job. There is tub repairing and manufacturing work in Kothagudem also. In Kothagudem workers of Category IV and higher categories do work in this manufacturing unit. No worker in that unit is of Category II. In Yellandu tub manufacturing work started in 1976. Prior to that assembling work alone was done in Yellandu. The work carried on by Category IV mazdoor in Kothagudem Unit is being carried on now by Category II mazdoors in Yellandu Unit. These workers also should therefore be given Category IV as that is proper.

8. W.W3 who is P. Rayamallu working as Tub Repairing/making mazdoor at Singareni Collieries Yellandu Workshop. They receive the raw material and cut, bending and welding and attend to sheet cutting, revitting, they also do wheels fitting, and thus manufacture tub completely and after the manufacture is completed they are delivered in the workshop. Near the Mines tub repairing is done if required. They do all repairs including fastening the tubs blocks, to the frame with bolts and nuts. As per the Wage Board recommendations persons doing these works are placed in Category IV. The Wage Board gives the duties of Category II workers also. As per that Category II workmen has to work as Helper as per the direction of the Tub Repairer. As per the Recommendation they have to assist the Tub Repairer by way of handing over the instrument to the Tub repairer and to work under the instruction of the Tub repairer. But we are doing all the works done by Mistry i.e. Tub repairer. Kothagudem Main Workshop persons that carry on the similar work. Those persons are given Category IV and V and above. He deposed that in the Yellandu, now there is one Maistry and six mazdoors of Category II. They are not working under Maistry but they do the same work done by a maistry. They are manufacturing 30 to 50 tubs per month in their workshop. The Maistry of Category IV cannot manufacture tubs if they the mazdoors of Category II do the prescribed works of Category II only. In Kothagudem Workshop there are no category II workers in Tub repairing/making section. Tub repairing and making done in Kothagudem by employees Category IV and above with the help of Category I Mazdoors. Therefore, they are also asking for category IV designation and scales as they are discharging the duties of Category IV workmen. Theirs is skilled work.

9. W.W4 is B. Venkate working in the Main Workshop at Kothagudem in V Category and his designation is Tub Repairer. He deposed that there are no Category II or IV employees at Kothagudem. According to him there are only Category I Mazdoors. And they do fastening work, cutting

the sheets, welding, revitting, assembling and bolt and fitting and manufacture of new tubs. He deposed that Category I mazdoors assist them in their work. According to him in Yellandu also there is similar Tub repairing and manufacturing work and Category II mazdoors of Yellandu used to deliver them that they are also doing the same work as they do at Kothagudem.

10. M.W1 is A. Ramachandra Rao, who is the Senior Industrial Engineer in S. C. Company Limited, Yellandu Division for the last 10½ years. According to him, he studied the man power assessment and capacities in tub manufacturing by collecting data from the Central Office. According to their studies they require two mistries and 7 mazdoors and one Machinists and one Welder for manufacturing 50 tubs per month and it is a group work and one person cannot do the entire job. He also mentioned that only workshop at Bellampalli, Kothagudem, Ramagundam the requirement very according to production targets. But he asserted that group work remains the same for manufacturing of 50 tubs. In the year 1980 there were three maistries and six mazdoors and one Machinist Welder for Tub manufacturing. In the year May 1984 there was a change in the strength and one maistry, six mazdoors, one Machinist and one Welder were being used. According to him the tub manufacturing section is not meeting the full demand some time they procure from outside purchase and also get from workshops like Kothagudem. It is his case that Yellandu Workshop never met the full demand. He mentioned that they cannot compare Yellandu Workshop with Kothagudem Workshop in Tub Manufacturing Section. According to him Kothagudem workshop has got some historic background but the other tub manufacturing workshop at Bellampalli, Ramagundam and Mandamarri can be compared with Yellandu Workshop.

11. M.W2 is V. Gopala Sastry, who is the Deputy Chief Personnel Manager at Ramagundam S. C. Company Limited. He worked as Deputy Chief Personnel Manager at Kothagudem. Earlier to Coal Award called Mazumdar Award 1956 there was tub repairing/making main workshop and their work are all in piece rated wages paid on the number of tubs made by them. Later they were all converted into time rate and after implementation of Mazumdar Award they were 10 time rated category, depending upon the skill of the workmen and wages earned, the tub repairing maistries were fixed from old Category IV to Category IX and the Helpers in old Category III. The Mazumdar Award has fixed in the category IV for Tub maistries and Category II for tub repairing mazdoors. After implementation of the Wage Board also the Tub repairing maistries were placed in Category IV and mazdoors in Category II. The existing maistries and mazdoors were refixed in new Category Wage Board from 1967. All the workers of main workshop tub repairing section are old piece rated workers. He also mentioned that all Divisions they have Tub Repairing and Making Sections and workers are given appropriate categories i.e. Category IV for Maistries and Category II for Mazdoors. It is his case that the strength of maistries and mazdoors are determined by the Industrial Engineering Department depending upon the work. Invariably all the tub repairing section and making sections are having Category IV and II except at Kothagudem were for historic reasons there are only Category IV. According to him the A.I.T.U.C. to which the Singareni Collieries Workers Union are affiliated is also party to the Wage Board as well as National Coal Wage Agreements and it did not lie with any Union to demand change or modify the wage structures as any departure will be disastrous effect on the general categorisation. All the tubs made in the Tub Section of standard size mostly 56.25 cft. dimension and occasionally 45 cft. also.

12. M.W3 is E. V. Vijaya Raghavan who is Deputy Chief Engineer-cum-Chief Transport Officer, Kothagudem. He is incharge of Tub-repairing/making Section at Kothagudem. According to him the manufacture of tubs at the main workshop are under his control and it is team work for operation of making tubs. He deposed that he did not work at Yellandu workshop in Tub-repairing or making section. According to him the same skilled job do not require any training and he admitted that semi-skilled there are Categories I and II only in his workshop.

13. At the very outset, I would like to mention here that there was Tub repairing/making section in the Main Work-

shop at Kothagudem as per the Mazumdar Award 1956. The workers were all paid in piece rate on the number of tubs made by the workers, basing on their earnings. The piece rate was converted as time rated and there were 10 Time rated posts created. It is also the admitted fact under the Mazumdar Award the Tub repairing maistries were given Category IV while the tub repairing mazdoors were given Category II. After the implementation of the Wage Board Award 1967 tub repairing maistries were placed in new Category IV and tub repairing mazdoors in new Category II. As per 1967 Wage Board Award appendix V Category IV job description is as follows :

Serial No. 15. Tub Repairing/Making Maistry.

Blacksmith and their mazdoors generally do all tub repairs including fastening the tubs blocks to the frame with bolts and nuts.

Now the IInd Category mazdoors have to assist the above maistries and they have paid the wage of IInd category.

In the 1967 Award nothing is mentioned about the tub-manufacturing. But the manufacturing started after the 1967 and all these long years the management did not take any steps to fix the workers in appropriate category.

Accordingly 1967 Wage Board Appendix V, Category IInd Mazdoors job description is as follows :—

Serial No. 1 Tub-Repairing/Making mazdoors

A worker who assists a tub-repairer or tub-repairing blacksmiths and generally works under the directions of the repairers or blacksmiths on the surface, and very occasionally underground. Those from early designated as Rivet man or 'Blacksmith Helpers' will hence forward be known as 'Tub Repairing Mazdoor'.

The Industrial Engineering Department assessed the manpower required for appropriate category depending upon the workload as per the Management. It is admitted that at Kothagudem there is no Category II Mazdoors, it is explained by the Management that it is due to historical reasons. In other words all those employed in Tub repairing section of the main workshop at Kothagudem are placed in Category IV and V. Admittedly the Singareni Collieries is having its Coal Mines in three areas namely Kothagudem, Ramagundam and Bellampally in Adilabad District and each area comprises of Divisions with a group of mines. Yellandu is one of the Divisions in Kothagudem area of Khammam District. In other words both Kothagudem and Yellandu are in Khammam District of Kothagudem area. For executing various mechanical and electrical works the number of workshops are located in Divisions/Areas. The tub repairing/making which forms part of workshop where tub repairing or assemblage of new tubs is carried out by the workmen as per the job nomenclature given in Wage Board 1967 as mentioned above.

14. The contention of the workmen in this industrial dispute claim that the mazdoor should not be less than Category IV in the Tub-Repairing/Making Section at Yellandu Division. In other words they want all the mazdoors in Category II should be converted as Category IV on the ground that they are discharging the same duties as Category IV workers at Kothagudem Workshop. Incidentally W.W. 1 mentioned that he is the Joint Secretary of the Workers Union, Yellandu Branch. The mazdoors attend to manufacturing of tub repairing job though they are shown as category II. It is true that the said Section was started in 1976 at Yellandu. Prior to 1976 the manufacturing Section was not existing then. According to him (W.W1) the new iron sheet are cut in sizes and bent and after welding, manufacture of tub is made. Prior to 1976 these workers were merely repairing tub and the tub used to be brought from Vijayawada and Hyderabad in two parts and used to be assembled in the Unit. This fact is not under dispute. In Kothagudem which is Head Office of the same area the manufacturing of tubs was there from the inception. Tub repairing mazdoors of Category IV were attending to the manufacturing work. Now Category II mazdoors of Yellandu

are doing manufacturing work carried on by the workmen of Category IV at Kothagudem. In fact there are no Category II workman in Kothagudem in manufacturing of tubs. It is the case of the workers that though all the Unions demanded revision of wage structure and categories in 1974 and finally Kaghunath Reddys Award was passed and implemented, the demand of tub manufacturing workers was not settled in that Award. As per the evidence of W.W1 there was settlement by their Union on 29-1-1981 as per which the workers in Tub repairing section of five years service have to be taken in the next higher category. It is the case of the worker that they are referring to the workers in this particular dispute only with reference to the tub repairing and making mazdoors and not general mazdoors. While the evidence of W.W2 and W.W3 would show that both were working at Yellandu one as Maistry and another as Mazdoor in Category IV and II respectively and it is their evidence that they are doing tub repairing and manufacturing work after the raw materials are brought to their Section and they are doing the same nature of work of repairing and manufacturing as is done at Kothagudem. According to them at Kothagudem the workers are in Category IV and higher categories and there is no worker of Category II. This is not disputed by the Management except stating that there are special historical reasons for it. In fact W.W3 who is a Messenger in Tub repairing and manufacturing section mentioned that the general mazdoor in his unit can also do the same work and the maistry alone cannot do without the help of the mazdoor. W.W3 he mentioned that though he is mazdoor and though they are under the Maistry they are doing the same work as maistry and they manufacture 30 to 50 tubs in their workshop. He also pointed out that there are no Category II mazdoor in Kothagudem workshop and therefore they are requesting to equate them to Category IV and similar scales for discharging their duties and he insisted that their work is a skilled work. He denied the suggestion that there is a difference in the type of work at Kothagudem workshop so as to have different categories. He also mentioned that Industrial Dispute No. 30 of 1967 on the file of this Tribunal did not govern the demand of these workers now in dispute. W.W4 is the Maistry at Kothagudem Workshop in V Category. He categorically admitted that there are no Categories II and IV and there are only Category I mazdoor and all of them do fastening work, cutting to size, welding, shifting, assembling, bolting and fitting and they manufacture new tubs. He also admitted that in Yellandu there is similar Tub repairing and manufacturing work and he is the person who is working at Kothagudem for the last 35 years. He also mentioned that there are workshops at Ramagundam, Bellampalli, and Mandamari. Similar to the workshop at Yellandu maistries are working in those workshops also.

15. The argument of the Management through the evidence of M.W1, M.W2 and M.W3 would also show that all tub repairing and making sections are having Category IV and Category II except at Kothagudem for historical reasons. The nature of the job of tub-repairing/making workers is one who assist the tub repairer or blacksmith and generally works under the directions of the repairer or blacksmith tub repairing/making maistry is a blacksmith and the mazdoor generally prepare including fastening of tub blocks to the frames with bolts and nuts. Even M.W3 mentions the manufacturing of tubs in the main workshop is under control and it is clean work for their operation of making of tubs. He also said that it is not possible to extract this entire work from a single category of persons, the semi-skilled workers are working under the direction of Maistry. At Kothagudem semi-skilled mazdoor are given Category I and at other places he tried to avoid the answer. Now Ex. W1 would show which is admitted by M.W2 it is a record of discussion on gradation of certain designation of the joint working group on 12-4-1974 at New Delhi. In 1974 the tub-repairing/making mazdoors who are in Category II were sought to be brought under Category III.

16. In 1967 there were Wage Board Recommendations, under those recommendations the present categorisation was made at that point of time, the job nomenclature of the Category IV and Category II employees as per those recommendations is as follows :—

(a) Tub Repairing/Making maistries :—Blacksmith and their Mazdoors generally do all tub repairs including fastening the tub blocks to the frame with bolts and nuts.

- (b) Tub repairing/Making Mazdoors :—A worker who assists a tub repairer or tub-repairing blacksmith and generally works under the direction of the repairers or blacksmith on the surface and very occasionally underground. Those formerly designated as 'Rivet Man' or 'Blacksmith Helper' will hence forward be known as Tub-Repairing mazdoors.

That these wage Board recommendations came into existence much earlier, that is before the manufacturing of tubs was undertaken by the Management. Till then it was only repairing but not manufacturing of tubs. It is understood from the definition of tub repairing/making maistries of Category IV, from the Wage Board recommendations of the year 1967. The job description which was extracted earlier makes no mention about tub manufacturing at all. It only had in mind about repairing but not manufacturing, as there was no manufacturing of tubs at Yellandu. The job description of tub-repairing/making mazdoor which is category II to which the workman belongs also deals with only repairing but not manufacturing. Now the Management has undertaking manufacturing of tubs and hence the recommendations of the Wage Board 1967 has no relevancy to the present dispute. Now the nature of job is entirely different from the above old Wage Board recommendations. It is seen from the evidence of the workmen who is in Category II at Yellandu, they receive raw material and do cutting, bending, welding, re-vitting, and wheel fitting etc. in addition to doing repairs including fastening the tub blocks to the frames with bolts and nuts. This is the job description of Category IV Maistry, of the Wage Board recommendations. The work of Category II workers is to simply assist the Tub Repairer of Category IV by way of handing over the instruments to Tub Repairer and working under the instructions of the Tub Repairer. It is seen that Category II mazdoors are doing the same job of Category IV maistry. When the Category IV maistry absents, Category II workers will do the job of Cat. IV and the difference are paid to Cat. II workers. It is clear that the nature of Cat. IV maistry and Category II mazdoors are one and the same nature of job. It is seen that Category IV maistries at Yellandu is being done by Category V Tub Repairers at Kothagudem and Category H mazdoors at Yellandu do is being done by Category I mazdoors at Kothagudem. Hence I find that there are number of anomalies in Categorisation and the nature of job. Further it is seen that when the Category II mazdoors were being paid the difference of Category IV wages it means Category II mazdoor at Yellandu who are the present workmen are performing the same duty of Category of Maistry whenever he is absent and they are also unable of discharging duties being skilled workers and their services are employed in the tub-repairing/making manufacturing workmen, it means they cannot be described as tub-repairing/making mazdoor i.e. commonly known as mazdoors. Thus on a consideration of the evidence, facts and circumstances of the case, I am clearly of the view that the Management is not all justified in not keeping the Category II mazdoors at Yellandu in Category IV as they are actually doing manufacturing work and involving the same nature of job as that of Maistries at Yellandu.

17. In the result the action of the Management of M/s. Singareni Collieries Company Limited in placing in Category II Tub repairing/Making mazdoors in Tub Repairing/Making Sections at their Yellandu Workshop is not justified. The Category II mazdoors are entitled to Category IV.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 26th day of July, 1993.

Y. VUNKATACHALAM, Industrial Tribunal

Appendix of Evidence

for the Workmen :

Witnesses Examined

WW1 V. Poshaiiah	for the Management :
WW2 Khaza Mohinuddin	M.W1 A. Ramachandra Rao
WW3 P. Rayamallu	M.W2 V. Gopala Sastry
WW4 B. Venkati	M.W3 E. V. Vijaya Raghavan

Documents marked for the Workmen :

Ex. W1 12-4-74.—True Copy of the Record Note of discussions on Upgradation of certain designations by the Joint Working Group on 12-4-74 at New Delhi.

Documents marked for the Management :

NIL.

नई दिल्ली, 17 अगस्त, 1993

का.आ 1929 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैगुनिया प्रोजेक्ट आफ मैसर्स बी सी सी लि. के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, आसनसोल-4 के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-8-93 को प्राप्त हुआ था।

[संख्या एल-22012/82/93-आई आर (सी-II)]

राजाजाल, डैस्क अधिकारी

New Delhi, the 17th August, 1993

S.O. 1929.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Asansol-4 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Begunia Project of M/s. BCC Ltd., and their workmen, which was received by the Central Government on 17-8-93.

[No. L-22012/92/93-IR (C. II)]

RAJA JAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL, ASANSOL

REFERENCE No. 34/93

Present :

Shri N. K. Saha, Presiding Officer.

Parties :

Employers in relation to the Management of Begunia Project of B.C.C. Ltd.

AND

Their Workman

Appearances :

For the Employers.—Sri P. K. Das, Advocate.

For the Workman.—None.

INDUSTRY : Coal

STATE : West Bengal

Dated, the 30th July, 1993

AWARD

The Government of India in the Ministry of Labour in exercise of the powers conferred on them by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication vide Ministry's Order No. L-22012/82/93-IR(C.II) dated 17-6-93.

SCHEDULE

"Whether the action of the management of Begunia Project in not paying house rent from January, 1973 to till date and pressurising for vacation of old quarter which is not a standard quarter as per NCWA-IV to Shri Prasadi Gope, Night Guard is justified ? If not to what relief is the concerned workman entitled to ?"

2. Sri P. K. Das the learned Advocate for the management is present to-day (30-7-93). None appears for the union.

3. This Reference was received by this Tribunal on 22-6-93. Thereafter regd. notice was issued upon both the parties fixing 26-7-93 for filing written statement by the parties. The regd. notice was duly served upon the Vice-President of the union on 26-6-93 as it appears from the A/D card received back after service of notice sent through regd. post.

4. Sri P. K. Das the learned Advocate for the management appeared on 26-7-93. To-day also he is present. But none appeared for the union on 26-7-93 and to-day also nobody is present for the union.

5. So considering the conduct of the union it appears to me that the union is no longer interested to proceed with the case. As such I have no other alternative but to pass a no-dispute award. Accordingly a no-dispute award is passed in this case.

N. K. SAHA, Presiding Officer

नई दिल्ली, 17 अगस्त, 1993

का.आ. 1930 :—औद्योगिक विवाद अधिनियम, 1947 (1947 क 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस सी सी एल के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 12-8-93 को प्राप्त हुआ था।

[संख्या एल-21012/23/88-डी-III (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 17th August, 1993

S.O. 1930.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C., Ltd. and their workmen, which was received by the Central Government on 12-8-93.

[No. L-21012/23/88-D.III (B)]

RAJA LAL, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT
HYDERABAD

PRESENT :

Sri. Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, 19th July, 1993

Industrial Dispute No. 62 of 1988

BETWEEN :

Edla Chinna Mallanah, S/o. E. Sailoo, aged 45 years,
R/o. T4 57 Tilaknagar, Godavarikhani, Karimnagar Dist. ... Petitioner.

AND

General Manager, Singareni Collieries Co. Ltd., Godavarikhani, Karimnagar ... Respondent.

APPEARANCES :

Sri D. Jagan Mohan Rao, Counsel—for the Petitioner.
M/s. K. Srinivasa Murthy, G. Sudha and Mitra Das,
Advocates—for the Respondent.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-21012/23-88-D.III (B) dated 10-5-1988 referred the following dispute under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of M/s. Singareni Collieries Company Limited, Area-I, Ramagundam Division and their workmen to this Tribunal for adjudication.

"Whether the action of the management of M/s. Singareni Collieries Co. Ltd., Area-I, Ramagundam Division, P.O. Godavarikhani, Dist. Karimnagar (A.P.) in dismissing Sri Edla Chinna Mallanah, Shot-firer, GDK 2A Incline from service w.e.f. 5-2-1985 is justified? If not, to what relief the concerned workman is entitled?"

This reference was registered as Industrial Dispute No. 62 of 1988 and notice were issued to the parties.

2. The short contents of the claim statement filed by the Petitioner-workman read as follows : The Petitioner was employed as 'Shot-firer' in the Company of the Respondent in the year 1980. The services of the petitioner was regularised with effect from 23-3-1982. That on 9-1-1984 the Petitioner due to some unavoidable domestic work did not attend the duty. On the said day at about 6.40 P.M. while the Petitioner was on his way to his residence from a shop, he was taken to the Police Station by Mr. M. P. Kanakaiah and Rama Swamy, who are also the employees of the Respondent Company. After that the petitioner was made to face trial in criminal court. The Respondent vide proceedings dated 30-1-1984 served a charge sheet alleging that the petitioner "On 9-1-1984 during II Shift without looking you 'IN' time at the Manway you went to Main Magazine at 3.20 P.M. and took forty detonators from there on the account of M. No. 3 at GDK 2-A Incline. You have neither turned up for your duty at the Mine after taking the detonators nor returned the detonators at the Magazine that day. At about 6.40 P.M. on the same day you were caught by Sri P. Kanakaiah, General Mazdoor and another worker of Building Department Sri Rama Swamy on the road between the Magazine and GDN 3. Incline and at that time the detonators were not there in your possession. You did not give any proper information about the detonators when you were questioned by the Colliery Manager. The above acts on your part amounts to misconduct under Company's Standing Orders 16(2) & 16(19). The Petitioner submitted his explanation denying the allegation vide reply dt. 3-2-1984. But the Respondent without giving any consideration to the reply, served a enquiry Notice dt. 4-2-1984 on the petitioner. The Petitioner after attending the enquiry on 23-5-1984, understood that the enquiry so conducted was an empty formality and farce one. The Petitioner having observed that the Enquiry Officer was obtaining the signatures of the petitioner on the proceedings typed in English, the contents of which were not explained to the petitioner in Telugu, the petitioner submitted a representation dt. 26-5-1984 stating the above methods adopted in the enquiry and also requested to stop conducting the partial parallel enquiry also on the ground that the trial was in progress in the Court of judicial First Class Magistrate at Sultanabad on the same charge in C. C. No. 300 of 1984. But the Petitioner's request was not given any consideration and the petitioner was demanded notice dt. 27-5-1984 and 14-6-1984 to present in the enquiry. The Enquiry Officer who is the employee of the Respondent company completed the formality and submitted this report. The Respondent without applying his mind and without giving any reason, passed the impugned order of dismissal from service dated 4-2-1985. The findings of the Enquiry Officer are perverse as the same are not based on evidence, principles of natural justice are not followed, the statements of the witnesses are most inconstant and not even single witness gave any valid evidence in support of the charges, there is no iota of evidence in support of the charges and thus the Respondent miserably failed to substantiate the charges as the burden proof is on the management. That the petitioner was honourably acquitted in C. C. 300 of 1984. The Petitioner submitted the petition bringing to the notice of the Respondent about the acquittal and requested to reinstate him into the service. Since the Respondent did not give any reply, the petitioner moved for concilia-

tion wherein the Respondent failed to respond positively, which resulted to the present reference. The petitioner therefore prays that this Hon'ble Court may be pleased to hold the removal passed by the Respondent order as illegal and unjustified and further direct the Respondent to reinstate the petitioner into service with full back wages and all other attendant benefits.

3. The brief contents of the counter filed by the Respondent-Corporation read as follows : Since the Petitioner-workman filed its claim statement the additional counter filed by the Respondent-Management is taken up. It is submitted that the Petitioner has not evidence any interest in this case initially which resulted this Hon'ble Court gave directions to the Respondent-Management to file the counter on merits and the same has been filed. After that a claim petition was filed by the petitioner. As such, this additional counter is filed and the original counter may please be read as part and parcel of this counter. It is true that this petitioner was employed as Shot-firer in 1980 and regularised in the year 1982. But the allegation that this petitioner used to discharge his duties to the utmost satisfaction of his superiors and never gave any room for complaint whatsoever with regard to his sincerity and perfection in the work is not correct. The Petitioner herein came to the mine and went to Magazine Clerk and has drawn 100 cartridges and 40 detonators. To get over the charge of theft the petitioner has chosen make an allegation that he had not at all attended duty on 9-1-1984. In the present the petitioner has gone to magazine without putting his in-muster at Manway. It may be noticed for seven machines though 359 detonators are required, the officials came to know that extra detonators were drawn by Sri Fella Chinna Malliah, and he was caught red-handed between the Magazine and GDK-3 Incline by Sri P. Kanakiah, General Mazdoor and Sri Ramaswamy of Building Department. It was not correct that on 1-9-1984 while the petitioner was on his way to his residence from a shop, he was taken to the Police Station by Mr. O. Kanakiah and Ramaswamy. A police complaint was given and it was booked as Criminal Case No. 300/1984 and then he was brought before the Court for trial. The allegation that the domestic enquiry is an empty formality and farce one is not correct. No representation has been made on 26-5-84 with regard to the procedure of the enquiry as alleged. The allegation that the domestic enquiry and the criminal enquiry were done parallelly is not correct. It may be noticed the scope of the domestic enquiry is totally different from the scope of criminal case. It may be noticed the detonators are licenced items and no normal citizen should possess them. The petitioner being Shotfirer is competent to hold the detonators within the mine premises but not outside. The Magazine Clerk who every day delivers the detonators and other explosives normally believes the Shotfirer after booking his inmuster only has come for detonators to use them in the mine. Taking the advantage of the position the manway where the petitioner has to put his in-muster is at one place and the magazine at some distance the petitioner collected the detonators from the magazine clerk without booking his inmuster. Having taken into consideration all these facts only management passed dismissal order. It is true the Petitioner was acquitted in Criminal Case No. 300 of 1984. The scope of the domestic enquiry and the evidence let into the domestic enquiry on the scope of the criminal case are totally different. After passing the dismissal order only the Criminal Court acquitted the petitioner. The criminal court judgement is not binding on the management and the scope of both enquiries are different and also the evidence led in the two cases and service law scope is different from that of criminal law. The management is justified in dismissing the employee. Hon'ble Court may be pleased to dismiss the claim petition and upheld the action of the management in dismissing the petitioner as correct and the petitioner is not entitled to be reinstated into service with full back wages and all other attendant benefits as prayed for.

4. No oral evidence was adduced by the Petitioner-workman but marked Exs. W1 to W7. Whereas M.W1 was examined on behalf of the Respondent-Management and marked Exs. M1 to M10 on its side.

5. The point for adjudication is whether the action of the Management in dismissing Sri Fella Chinna Malliah, Shot-firer from service w.e.f. 5-2-1985 is justified ?

6. MW-1 is one Sri II, V. M. Sastry. He deposed in brief that he has been working as Senior Under Manager, Respondent Company since November 1974. On 9-1-1984 he was Acting Manager of G.D.K. No. 2A Incline. For every shift the workers should report to Manway Clerk and book their in Muster. Overman will be distributing the work to the workman. In each Machine there will be one Shot Firer, 4 Coal Cutters, 20 Coal Fillers and 3 Timbermen. After the workmen report to the duty to Manway Clerk it could take about 20 minutes for him to prepare the summary slip and handover the same to the Overman for distribution of the work. After the work is distributed by Overman, the Shot Firer will go to the Magazine along with the three coal cutters to collect Detonators and explosives. Sometime the Shot firers may go first and the three coal cutters may go a bit late. The Detonating material and explosives will be issued by the magazine clerk to the Shot Firer, after obtaining the signatures of the Shot firers and coal cutters, in the relevant register. For the above three Mines, the Detonators and explosives distribution will be within the control of the Manager of the G.D.K. 3 Incline. The Shot Firer will carry the detonators and the three coal cutters will carry the explosives. Sri Yadia Chinna Malliah had to attend the duty in the second shift on 9-1-1984. He was the present shot firer in the second shift on 9-1-1984, and he did not attend the duty on that day, and he was not booked in the muster on that day and present was not marked to him in the manway register on that day. Ex. M7 is the relevant page in the Manway register for the month of January 1984 and absent was marked to Yadia Chinna Malliah on 9-1-1984, in Ex. M7. On that day Yadia Chinna Malliah did not mark his muster in Ex. M7 and went straight to Main Magazine and collected 40 detonators and 100 cartridges and signed in the Explosive Issue, Consumption and return register in token of receiving the said detonators and cartridges. Ex. M8 is the said register and Sri Yadia Chinna Malliah signed in that register on 9-1-1984 at page No. 95. The relevant portion where the signature of Sri Yadia Chinna Malliah was obtained at page No. 95 in Ex. M9. On 9-1-1984 at about 3.45 P.M. and 4.00 P.M. the overman came to him and reported that the permanent Shotfirer Sri Yadia Chinna Malliah did not attend the duty and that when he went he sent one T Lingiah as a substitute to Sri Y. C. Malliah to Magazine for collection of Detonators and cartridges, the Magazine clerk did not issue the detonators to the said T. Lingiah stating that the detonators were taken by Sri Y. C. Malliah and that the detonators will not be issued to T. Lingiah unless he instructs the Magazine Clerk in writing to issue detonators to T. Lingiah. So he gave a slip to Magazine Clerk instructing him to deliver 45 detonators to Sri T. Lingiah and he handed over the slip to Overman to give the same to Magazine Clerk. He went to Magazine along with Head Overman by name Y. Mangapathi Rao and he asked the magazine clerk as to what had happened and he told him that Y. C. Malliah signed in Ex. M9 in Ex. M8 register to take 40 detonators and 100 cartridges and only 40 detonators and did not take 100 cartridges with him. So he reported the matter to permanent manager of the Respondent and later a report was given to the Police. Subsequently the domestic enquiry was conducted against Sri Y. C. Malliah for misconduct of committing theft of detonators. He was examined as a witness during domestic enquiry on behalf of the management Ex. M10 is the pay sheets for the months of June, August and September, 1984 wherein the signature of Sri Y. C. Malliah are available. Ex. M10 pay sheets are filed for the purpose of comparison of the signature of Sri Y. C. Malliah with his signature in Ex. M9.

7. At the very outset I would like to mention that the Petitioner-workman gave explanation under Ex. M2 against the charge sheet Ex. M1 stating as follows :—

"In this connection I wish to state that on that particular day I was to attend the IInd Shift is correct but owing to my domestical troubles I did not apply leave and I have not attend the duty at all hence, the allegation I have not put my 'IN' muster is false. Further it is mentioned that at about 3.20 P.M. I have taken 40 detonators from the Main Magazine is completely false and baseless. As a matter of fact I have not attended to my duties how can a worker will take the detonators from the main Magazine ? Hence, this clearly shows that there is a pre-planned

for the offence and the person who has given this information, is guilty and to avoid his error this false information was given on me is quite baseless."

It is a fact that at about 6.40 P.M. I had been to village Sundilla after consuming some liquor but at 3 Incline corner Sri P. Kanakaiah and Sri Ramaswamy General Mazdoor and road worker at building department I was brought to the Police station without any reason and the reason is best known to all and I surprise to note that how those persons detected me as a guilty person. Hence the allegations are far from truth and it clearly mentioned in your charge sheet that no detonators were found in my possession. When I have not taken the detonators how can I have them with me."

A reading of the above explanation indicates that the Petitioner workman did not attend duty on 9-1-1984 how can a worker take 40 detonators from the Magazine. When the Petitioner did not attend duty how can the concerned clerk of the Magazine issued the 40 detonators, without following the rules and regulations. It is the duty of the Clerk of the Magazine to see whether the Shot-firer has put 'IN' muster and then the detonators be issued to them. Without following any rules and regulations, the Clerk who issued the detonators cannot blame the Petitioner-workman or make him the scape goat. The interesting part of the case is that at about 6.40 P.M. the Petitioner had been to village Sundilla after consuming some liquor on the way to GDK 3 Incline, the Petitioner workman was caught red-handed by Sri P. Kanakaiah, General Mazdoor and another worker of Building Department Sri Ramaswamy. I am unable to understand what made Sri P. Kanakaiah and Ramaswamy to catch red-handed the Petitioner-workman. Are they authorised by the Management to catch the Petitioner workman and who are they to do such an act. Did the management authorised them to catch the Petitioner-workman and what was their basis to catch the petitioner workman. All this goes to show that there was pre-plan to some how involve the poor Petitioner-workman in a theft case. I find there is no ground for the Management to say that the 40 detonators were taken by the Petitioner-workman. No where it is mentioned that so and so found petitioner had 40 detonators in his possession.

8. The Petitioner-workman filed a petition before this Tribunal in M. P. No. 121 of 1990 requesting the Tribunal to mark the judgement and depositions in C. C. No. 300/84 on the file of the Judicial First Class Magistrate, Sultanabad, Karimnagar District as additional document in the matter on on behalf of the workman. My learned predecessor passed an Order on 18th December, 1990 held that utmost in view of this principles, without causing any prejudice to the Management, it is hereby held that both the parties are at liberty to adduce any fresh evidence if they want. In support of this the petitioner-workman filed the judgement copy in C. C. No. 300 of 1984 on the file of the Court of the Judicial Magistrate of F. C. at Sultanabad, which is marked as Ex. W7. In that judgement the Petitioner workman was honourably acquitted. Since the Petitioner workman found not guilty with which he is charged. It is now admitted that the criminal prosecution after full fledged trial ended in acquittal in favour of the Petitioner-workman, this factor is very relevant for consideration of the quantum of punishment under Section 11-A of the I.D. Act, by this Tribunal. When once found that the Petitioner Workman not guilty of the charge framed against the Petitioner-workman, the Respondent-Management is bound to reinstate the Petitioner-workman into service as the Respondent Management miserably failed to substantiate the charges.

In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Area-I, Ramagundam Division, P.O. Godavarikhani, Dist. Karimnagar (A.P.) in dismissing Sri Edla Chinna Malliah, Shotfirer, GDK 2A Incline from service w.e.f. 5-2-1985 is not justified. The Petitioner-workman is entitled to reinstatement into service with full back wages and all other attendant benefits.

Award is passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 19th day of July, 1993.

Y. VENKATACHALAM, Industrial Tribunal

Appendix of Evidence

Witnesses Examined

for the Management :

Witnesses Examined

for the Workmen :

M.W1 Sri. H.V.M. Sastry.

NIL.

Documents marked for the Management

Ex. M1 By consent.—Charge Sheet dt. 30-1-84 issued to Edla Chinna Malliah by the Colliery Manager, GDK No. 2A Incline.

Ex. M2 By consent.—Explanation to the charge sheet dt. 3-2-84 submitted to the Colliery Manager, GDK No. 2A Incline by Edla China Malliah.

Ex. M3 By consent.—Enquiry notices dt. 4-2-84, 20-5-84, 27-5-84, 14-6-84, 1-7-84, 26-7-84, and 18-8-84.

Ex. M4 By consent.—Enquiry Proceedings.

Ex. M5 By consent.—Enquiry Report dt. 23-10-84.

Ex. M6.—By consent.—Dismissal Order dt. 4-2-85 issued Edla China Malliah by the General Manager, S.C. Co. Ltd., Godavarikhani.

Ex. M7.—Attendance Register for the month of January, 1984.

Ex. M8.—Daily explosives issues consumption register.

Ex. M9.—Page No. 95 of the Ex. M8 Relevant Entry.

Ex. M10. Pay sheets of GDK 2A Incline for the period from June 1984, August, 1984 and September, 1984. Documents marked for the Workmen.

Ex. W1 By consent.—Deposition of Sri H.V.M. Sastry dt. 29-8-86 in C.C. No. 300 of 1984 on the file of Judicial Magistrate of First Class, Sultanabad.

Ex. W2 By consent.—Deposition of Sri Baddula Tanardhan, Dt. 29-8-1986 in C.C. No. 300 of 1984 on the file of the Judicial Magistrate of First Class at Sultanabad.

Ex. W3 By consent.—Deposition of Sri Erkala Rajeshwari Rao, Dt. 11-9-86 in C.C. No. 300 of 1984 on the file of the Judicial Magistrate of First Class at Sultanabad.

Ex. W4 By consent.—Deposition of Sri Themeda Lingaiah Dt. 11-9-86 in C.C. No. 300 of 1984 on the file of the Judicial Magistrate of First Class at Sultanabad.

Ex. W5 By consent.—Deposition of Sri Machula Rajamouli, dt. 17-9-1986 in C.C. No. 300 of 1984 on the file of the Judicial Magistrate of First Class at Sultanabad.

Ex. W6 By consent.—Deposition of Sri B. Venkataramaiah, Dt. 23-9-1986 in C.C. No. 300 of 1984 on the file of the Judicial Magistrate of First Class at Sultanabad.

Ex. W7 By consent.—Judgement dt. 15-10-1986 in C.C. No. 300 of 1984 on the file of Judl. Magistrate of First Class at Sultanabad.

नई दिल्ली, 29 अगस्त, 1995

का.प्र. 1931 -- औद्योगिक विवाद अधिनियम, 1917 (1917 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिडिकेट बैंक के प्रबन्धकों के संयुक्त नियंत्रकों और उनके कर्मचारियों के बीच, अनुबंध में निहित औद्योगिक विवाद में लेबर कोर्ट, एम्माकुलम के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 19-8-1993 को प्राप्त हुआ था।

[संख्या एन-12012/398/88-डी.ए.]

बी. के. वेणुगोपालन, डी.डी. अधिकारी

New Delhi, the 20th August, 1993

S.O. 1931.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 19-8-1993.

[No. L-12012|398|88-D-2A]

V. K. VENUGOPALAN, Desk Officer
ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR
COURT, ERNAKULAM

(Labour Court, Ernakulam)

(Wednesday the 28th day of July, 1993)

PRESENT :

Shri. M. V. Vishwanathan, B. Sc., LL. B. Presiding Officer.

Industrial Dispute No. 10 of 1988(C)

BETWEEN :

The Assistant General Manager, Syndicate Bank Zonal Officer, Sasththakripa Officer, Complex, Sasthamangalam, Trivandrum

AND

Shri. P. K. Narayanan Nair, Yesgee 48|68, Chandrika Villa, Cochin-24.

REPRESENTATIONS :

M/s. R. Raya Shenoil &
R. Pransh Kumar, Advocates,
Cochin-682034. ... For Management
Sri Paulson C. Varghese,
Advocate, Azad Road, Cochin-17 ...
... For Workman

AWARD

This is a reference made by the Central Government under Section 10(1)(c) of the Industrial Disputes Act, 1947. The dispute is between the Management of Syndicate Bank and their Adarsh Agent Sri P. K. Narayanan Nair. The issue referred for consideration of this Court is the termination of the service of the Adarsh Agent P. K. Narayanan Nair.

2. The Management challenged the maintainability of the present reference. The management contended that Adarsh Agent is not a workman coming under the purview of the Industrial Disputes Act and so the present reference is not maintainable. The maintainability and the status of Adarsh Agent were considered by this court by virtue of the preliminary order of this Court dated 20th day of July, 1993. And thereby held that the present reference is not maintainable as the Adarsh Agent

will not come under the purview of the Industrial Disputes Act. The Preliminary Order dated 20-7-1993 is extracted below :

"PRELIMINARY ORDER

This Industrial Dispute was referred to this Court by the Central Government as per the order No. L-12012|398|88-DII(A). The dispute is between the management of Syndicate Bank and their workman. The issue referred for consideration is "Whether the action of the management of Syndicate Bank in terminating the services of Shri. P. K. Narayanan Nair, Adarsh Agent (Pigmy Depositor Collector) under clause 8 of the Memorandum of Agreement dated 24-7-1978 is justified? If not to what relief is the workman entitled?

2. The workman Sri. P. K. Narayanan Nair filed a claim statement stating as follows :

Sri P. K. Narayanan Nair was working as an Adarsh Agent (Pigmy Collector) in the Kalamassery Branch of Syndicate Bank. His service were uninterrupted ever since his appointment on 24-7-1978. As an Adarsh Agent the workman was directed to enrol individuals as subscribers to the door to door collection. He has to approach subscribers on every day in order to collect the amount, and the same has to be deposited to the bank. A quarterly statement also will be prepared as per records maintained by the bank and the same will be sent to the subscribers. He has to report in the bank every day at 10 O'clock and go for collection. He was a regular employee, as any other staff of the bank. He was bound to obey the direction of the Bank authorities. There is employee-employer relation between the management and the workman. He was collecting very good amounts from the subscribers and remitting the same to the bank. He was getting commission on amount collected by him. He was getting an average of Rs. 500/- per month. The bank deducted 10% of the commission and was keeping the same with the bank. The workman demanded the dispersal of the commission amount. The bank was adamant. He filed a claim petition before this Court claiming a sum of Rs. 8,000/- with interest. The workman was terminated illegally. The termination was on the basis that he committed misappropriation of the amount collected from the subscribers. The charges levelled against the workman were flimsy. He was dismissed from service arbitrarily without conducting any enquiry. He was terminated from service as a retaliatory measurement for his demand for legitimate benefits. The termination of the services of the workman is against the mandatory provisions of law and fundamental principles of natural justice. The Hon'ble Industrial Tribunal (Central) Hyderabad has passed an award in an identical case and it is held that there is employee-employer relationship

between the Pigmy Collectors and the bank. Hence the workman prayed for reinstatement with back wages and continuity of service and all other legal benefits.

3. The management filed written statement contending mainly as follows :

This Industrial Dispute is not maintainable. There was no Master and Servant or employee and employer relationship between the bank and Sri P. K. Narayanan Nair. But there was only a principal and agent relationship. Sri P. K. Narayanan Nair was not dismissed or discharged from the services of the bank. His agency was terminated as contemplated in terms and conditions of the agreement executed by him with the bank. This court has no jurisdiction to entertain the present dispute under the provisions of the I.D. Act. Sri. P. K. Narayanan Nair was not a workman of the bank. He could not be termed as a workman coming within the definition of the term in the I.D. Act. Sri. P. K. Narayanan Nair was only given agency as per the terms and conditions contained in the letter dated 24-7-1978 issued by the Kalmassery Branch of the Syndicate Bank to him. That letter was duly accepted by him on 24-7-1978 itself. He executed agreement dated 24-7-1978 with the bank. He was given the agency by the bank as per the said letter and agreement. As an agent he has collected Adarsh (Pigmy Deposit) and deposited to the bank. He was being paid commission by the bank for the said collection. The statements in the claim statement that Sri P. K. Narayanan Nair is a regular employee of the bank, that he is bound to obey the directions of bank authorities are incorrect. He used to collect the amounts according to his convenience and choice of time over which the bank authorities have no control. He was at liberty to make necessary alternative arrangement for collection of the Adarsh deposits. The bank had no control over the earnings of the deposit collector. It depends on his own capacity. An Adarsh Deposit Agent is not entitled to any of the benefits like salary Wages, Leave Facilities, Increments and Promotions, Bonus, Provident Fund, Gratuity, Retirement and other welfare facilities which are available to the regular employees of the bank. The regular employees of the bank are appointed by prescribed mode of selection. But the Adarsh Deposit Agent is not appointed by any such procedures. The bank employees are governed by bank awards and bipartite settlements. But the said awards and settlements will not bind Adarsh Deposit Agents Like Sri P. K. Narayanan Nair. The agent is required to render proper accounts of the deposit collected by him and to obtain necessary confirmatories from the Adarsh Depositors. But Sri P. K. Narayanan Nair has not fulfilled the terms of the

agreement. He failed to obtain the confirmatories from the depositors. So the bank could not disperse his security deposit. The claim petition filed by Sri P. K. Narayanan Nair as C. P. 25/87 (C) under Section 33(C) (2) of the I.D. Act is not maintainable. The Bank received complaint against Sri P. K. Narayanan Nair regarding misappropriation of funds. On enquiry, the bank was convinced about the said allegations of misappropriation. So the bank terminated the agency. The said termination is not illegal or against any provisions of law. The bank has lost confidence in the agent. The acts on the part of Sri. P. K. Narayanan Nair as an agent would adversely affect the name and reputation of the bank. The agreement executed by Sri P. K. Narayanan Nair is not a contract of employment. The operation of the award passed in I.D. 14/80 by the Industrial Tribunal Hyderabad has been stayed by the High Court of Andhra Pradesh. The Kerala High Court has recently held that there is no employee-employer relationship where the Pigmy Deposit Collecting Agents and bank. Hence the management bank prayed for the dismissal of the claim put forward by Sri P. K. Narayanan Nair.

4. The workman filed a rejoinder refuting the contentions raised by the management in their written statement.

5. The management bank has categorically contended that the present Industrial Dispute is not maintainable as an Adarsh Agent (Pigmy Deposit Collector) is not a workman as defined in the I.D. Act. It is further contended that this Court has no jurisdiction to decide the dispute as the Adarsh Agent Sri P. K. Narayanan Nair will not come under the purview of the I.D. Act.

6. The definite case of the management is that there is no relationship of Master and servant or employer and employee between the management P. K. Narayanan Nair would contend that he is a only a principal and agent relationship between them. On the other hand the Adarsh Agent Sri P. K. Narayanan Nair would contend that he is a regular employee of the management bank. And thereby will come under the definition of workman as defined in the A.D. Act. So this Court was pleased to consider the maintainability of the present reference and also regarding the status of the Adarsh Agent Sri P. K. Narayanan Nair as a preliminary issue. So the preliminary issue for consideration is "Whether Sri P. K. Narayanan Nair, Adarsh Agent is a workman coming under the purview of the Industrial Disputes Act? If so, whether the present reference is maintainable?"

7. The evidence in the case consists of oral testimony of WW1 and MW1 and Exts. M1 to M5.

8. The Point.—The worker herein Sri P. K. Narayanan Nair was engaged by the Management bank as

per Ext. M3 agreement dated 24-7-1978. The agreement was executed by Sri. P. K. Narayanan Nair in favour of the management bank. The execution of this agreement is admitted by Sri. P. K. Narayanan Nair. The recitals in Ext. M3 agreement would show that Sri. P. K. Narayanan Nair was engaged as an Adarsh Agent of the Bank for collection of the Adarsh Deposits from the Adarsh Deposit holders. Sri. P. K. Narayanan Nair applied for the post of Adarsh Agent by his letter dated 21-7-1978 (Ex. M1). The management accepted his request and thereby Ext. M2 letter dated 24-7-1978 was issued and thereby he was directed to execute Ext. M3. There is no dispute regarding Ext. M1 to M3 documents. Thus it can be seen that Sri. P. K. Narayanan Nair was appointed as an Adarsh Agent by virtue of Ext. M2 and M3 documents. There can be no doubt that the terms and conditions stipulated in Ext. M3 agreement will bind Sri. P. K. Narayanan Nair and the management bank. This agreement would show that Sri. P. K. Narayanan Nair as an Adarsh Agent has to collect the Adarsh Deposit collections from the depositors and to remit the amount in the bank on the next working day at the commencement of the business in the bank. He has to submit true account regarding the Adarsh Deposits collected by him to the Kalamassery branch of the Bank. He has to deposit the collections with the statement of account and the relative Adarsh Card counterfoils duly signed by the subscribers. He will get only commission on the amount collected by him. He was also at liberty to make necessary alternative arrangement for collection of the Adarsh Deposits at the doors of the depositors at his risk and responsibility, in the event of his absence for doing the collection work. It is categorically stated that he will be an agent of the bank and the bank will be his principal. It is further stated in Ext. M3 agreement that the agency can be terminated by the principal of any time without notice. The agent was also at liberty to renounce the agency by giving one month's notice to the principal. It is further to be noted that in Ext. M2 letter it is specifically stated that the Adarsh Agent is not a member of the staff of the bank and rules relating to the conditions of service of the bank staff do not apply to him. It is further stated that the Adarsh Agent will not entitle to gratuity, or provident fund or any other benefits or privilege enjoined by the members of the bank staff. The terms and conditions stipulated in Ext. M2 letter were accepted by Sri. P. K. Narayanan Nair and thereby he executed Ext. M3 agreement. So the Ext. M2, M3 agreements would show that Sri. P. K. Narayanan Nair was not an employee of the management bank and there was no contract of employment between Sri. P. K. Narayanan Nair and the management bank. The documentary evidence would only show that the relationship between bank and Sri. P. K. Narayanan Nair was that of a principal and agent.

9. Sri. P. K. Narayanan Nair was examined as WW1. He categorically admitted the fact that he accepted the terms and conditions stated in Ext. M2 letter and executed Ext. M3 agreement.

10. WW1 has admitted that he was engaged by the bank as Adarsh Deposit Agent to the Kalamassery Branch of Syndicate Bank. He further admitted that he was not appointed by conducting test or interview. At the same time he admitted the fact that ap-

pointments in the bank were done through the Banking Recruitment Service Board. He categorically admitted that the management bank or its officers had no control over the work he performed as an Adarsh Agent. It is stated by WW1 that he canvassed Adarsh Deposits by his own ability and capacity. He was at liberty to adopt his own tactics in canvassing deposits from depositors. He categorically deposed that the management bank had no sort of control over him regarding the canvassing and collection of deposits from depositors. His evidence would show that there was nobody to supervise his work. The management bank had no right to supervise or control the work of the Adarsh Agent in the matter of canvassing and collecting Adarsh Deposits. Thus it can be seen that the management bank had no right or authority to direct the agent how to canvass the depositors. The manner in which the work has to be performed was left to the agent. The bank had no control over the agent regarding the hours of work, or time of work or manner in which work is to be performed.

11. The evidence of WW1, would show that he was not given any of the benefits or privileges which were available to the regular employees of the management bank. The management bank in their written statement categorically contended about the markable differences in the conditions of service and other benefits between the Adarsh Agent and the employees of the bank. The worker herein has not disputed those difference pointed out by the management. WW1 has admitted the fact that he was not eligible to any of the said facilities, benefits or privileges which were enjoyed by the employees of the bank. He categorically admitted that the bank was the principal and he was the agent. He has also deposed that the bank had no control about the quantity of the work to be performed by him. He has also deposed that his name was not included in attendance register and he never marked attendance in the register maintained in the bank; that he had no allotted seat in the bank that he had no provident fund or gratuity facilities. There was no superannuation or age bar as far as Adarsh Agent is concerned. He further admitted that he was not eligible for bonus or leave facilities; that he had no specific hours of work and he was at liberty to perform his work at his convenience. He was also at liberty to engage another person of his choice to do his work as an Adarsh Agent. But a regular employee of the bank has no right to delegate his power to do work to any other person of his choice. There was no prohibition in doing any other work by an Adarsh Agent. He categorically admitted that bipartite settlements and awards entered into between management bank and the unions of the bank employees are not binding on the Adarsh Agents. But he was bound by the terms and the conditions stipulated in Ext. M2, M3 documents. Thus the evidence of WW1 is sufficient to hold that he never treated himself as an employee of the management bank, but he intended only to act as an agent of the principal bank. Likewise the management bank never treated Sri. P. K. Narayanan Nair as the employee. The bank had no intention to consider Sri. P. K. Narayanan Nair as an employee of the bank.

12. The then Manager of the Kalamassery branch of the management bank was examined as MW1 de-

posed about the engagement of Sri. P. K. Narayanan as an Adarsh Agent, MW-1 has deposed about the service conditions and other benefits and privileges available to the employees of the bank. He has also deposed that the Adarsh Agent was not entitled to get any of the benefits and privileges which were available to the employees of the bank. There is no ground to disbelieve the testimony of MW-1. His evidence would show that there was no control for the bank over the Adarsh Agent regarding the hours of work, and the manner in the work to be performed by Shri P. K. Narayanan Nair is an Adarsh Agent. The evidence of MW-1 would support the case of the management that there was no employer-employee relationship between the bank and Shri P. K. Narayanan Nair. But the relationship between the bank and Shri P. K. Narayanan Nair was that of a principal and agent. The mere fact that the amount collected by an adarsh agent is being used by the bank along with other deposits and that the collection of Adarsh deposits is part of the mobilisation of accounts cannot be taken as a ground to hold that the Adarsh Agent is an employee or the workman of the bank.

13. The learned counsel for the management bank relied on the decision of the Hon'ble High Court of Kerala in WA Nos. 260, 261 and 375 of 1987. The facts of the above said case are identical to the present case on my hand. In that case also the dispute was regarding the status of a canvassing agent. In the said case the Kattanchery Mahajanik Co-operative Bank Ltd., engaged on P. B. Radhakrishna Pai as a canvassing agent for canvassing and collection of deposits from the deposit holders. In that case also the said bank had no control over the agent regarding the hours of work or the manner in which the canvassing and collection work are to be performed. The Hon'ble High Court of Kerala held that the deposit collector is not an employee of the bank. The principle laid down in the said decision can be made applicable to the present case also. If that be so, Shri P. K. Narayanan Nair, the Adarsh Agent (Pigmy Deposit Collector) cannot be treated as an employee or workman of the management bank.

14. The decision rendered by the Hon'ble Supreme Court of India in "Shankar Balaji Wali Vs. State of Maharashtra AIR 1962/Supreme Court 517" would support the case of the management bank. In the above said reported case the Supreme Court has held that in order to attract the existence of Master and Servant relationship there must be supervisory however and control over the work. In the reported case the worker was at liberty to do his work as a Bidi seller at his house and there was no specified hours of work. He was also at liberty to do his work at his convenience and pleasure. The owner had no right to control or supervise the work done by the worker. So in that circumstance the Supreme Court held that there was no Master and Servant relationship between the owner and the worker. And so it is difficult to hold that the worker was employed by the owner of the company.

15. In the case of the "Management of M/s. Puri Urban Co-operative Bank Vs. Madusud Sahu and another" reported in JT 1992(3) SC 200 it was held that a gold appraiser engaged to weigh and test gold at commission basis is not a workman coming under the purview of the I.D. Act. The above said reported decision would support the case of the management. Thus the facts, circumstance and evidence of this case would show that Shri P. K. Narayanan Nair, Adarsh Agent engaged by the management bank under Ext. M-3 agreement dated 27-4-1978 is not an employee of the management bank. There was no employer-employee relationship between the bank and Shri P. K. Narayanan Nair. Hence, I hold that Shri P. K. Narayanan Nair is not a workman coming under the purview of the I. D. Act. If that be so, the present reference under Section 10(1) of the I. D. Act is bad in law. I hold that the present reference is not maintainable in law.

16. In the result the present reference is dismissed as not maintainable."

III. The findings of this court in the Preliminary Order would make it clear that the present reference is liable to be dismissed as not maintainable. It is also held that an Adarsh Agent is not a workman coming under the purview of the Industrial Disputes Act.

IV. In the result the present reference is dismissed. The Adarsh Agent Shri P. K. Narayanan Nair is not a workman as defined in the Industrial Disputes Act. He is not entitled to any relief in this case. An award is passed accordingly.

Ernakulam, 28-7-1993.

M. V. VISWANATHAN, Presiding Officer.

APPENDIX

Witness examined on the side of Management :
MW-1. Shri Prabhakaran Pillai.

Witness examined on the side of Workman
MW-1. Shri P. K. Narayanan Nair.

Exhibits marked on the side of Management :

Ext. M-1. Application dated 21-7-1978 submitted by the workman.

Ext. M-2. Appointment Order dated 24-7-1978 issued to the workman.

Ext. M-3. Memorandum of Agreement executed by the workman.

Ext. M-4. Form of offer of appointment clerical staff of Management Bank.

Ext. M-5. Photo copy of Order in Writ Petition No. 9783/89 of Andhra Pradesh High Court.